

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1640**  
**96TH GENERAL ASSEMBLY**

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Reported from the Committee on Transportation, May 1, 2012, with recommendation that the Senate Committee Substitute do pass.

4924S.05C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 32.087, 142.932, 144.030, 144.757, 260.392, 301.010, 301.032, 301.069, 301.218, 301.280, 301.559, 301.560, 301.562, 301.567, 301.570, 302.010, 302.060, 302.130, 302.302, 302.309, 302.530, 304.190, 304.351, 306.127, 307.365, 390.020, 544.046, and 643.320, RSMo, and to enact in lieu thereof thirty-four new sections relating to transportation, with penalty provisions and an emergency clause for a certain section.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 32.087, 142.932, 144.030, 144.757, 260.392, 301.010, 301.032, 301.069, 301.218, 301.280, 301.559, 301.560, 301.562, 301.567, 301.570, 302.010, 302.060, 302.130, 302.302, 302.309, 302.530, 304.190, 304.351, 306.127, 307.365, 390.020, 544.046, and 643.320, RSMo, are repealed and thirty-four new sections enacted in lieu thereof, to be known as sections 32.087, 142.932, 144.030, 144.757, 260.392, 301.010, 301.032, 301.069, 301.216, 301.218, 301.280, 301.559, 301.560, 301.562, 301.567, 301.570, 301.580, 302.010, 302.060, 302.130, 302.302, 302.309, 302.530, 304.033, 304.190, 304.351, 304.890, 304.892, 304.894, 306.127, 307.365, 390.020, 544.046, and 643.320, to read as follows:

32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order.

The ordinance or order shall reflect the effective date thereof.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

7           2. Any local sales tax so adopted shall become effective on the first day  
8 of the second calendar quarter after the director of revenue receives notice of  
9 adoption of the local sales tax, except as provided in subsection 18 of this section.

10           3. Every retailer within the jurisdiction of one or more taxing entities  
11 which has imposed one or more local sales taxes under the local sales tax law  
12 shall add all taxes so imposed along with the tax imposed by the sales tax law of  
13 the state of Missouri to the sale price and, when added, the combined tax shall  
14 constitute a part of the price, and shall be a debt of the purchaser to the retailer  
15 until paid, and shall be recoverable at law in the same manner as the purchase  
16 price. The combined rate of the state sales tax and all local sales taxes shall be  
17 the sum of the rates, multiplying the combined rate times the amount of the sale.

18           4. The brackets required to be established by the director of revenue  
19 under the provisions of section 144.285 shall be based upon the sum of the  
20 combined rate of the state sales tax and all local sales taxes imposed under the  
21 provisions of the local sales tax law.

22           5. The ordinance or order imposing a local sales tax under the local sales  
23 tax law shall impose upon all sellers a tax for the privilege of engaging in the  
24 business of selling tangible personal property or rendering taxable services at  
25 retail to the extent and in the manner provided in sections 144.010 to 144.525,  
26 and the rules and regulations of the director of revenue issued pursuant thereto;  
27 [except that] **and, notwithstanding any other provision of law to the**  
28 **contrary, the local sales tax shall be imposed on the sale of all motor**  
29 **vehicles, trailers, boats, and outboard motors, within the boundaries of**  
30 **the state or outside the boundaries of the state, if they are required to**  
31 **be registered with the director of revenue.** The rate of the tax shall be the  
32 sum of the combined rate of the state sales tax or state highway use tax and all  
33 local sales taxes imposed under the provisions of the local sales tax law.

34           6. On and after the effective date of any local sales tax imposed under the  
35 provisions of the local sales tax law, the director of revenue shall perform all  
36 functions incident to the administration, collection, enforcement, and operation  
37 of the tax, and the director of revenue shall collect in addition to the sales tax for  
38 the state of Missouri all additional local sales taxes authorized under the  
39 authority of the local sales tax law. All local sales taxes imposed under the local  
40 sales tax law together with all taxes imposed under the sales tax law of the state  
41 of Missouri shall be collected together and reported upon such forms and under  
42 such administrative rules and regulations as may be prescribed by the director

43 of revenue.

44           7. All applicable provisions contained in sections 144.010 to 144.525  
45 governing the state sales tax and section 32.057, the uniform confidentiality  
46 provision, shall apply to the collection of any local sales tax imposed under the  
47 local sales tax law except as modified by the local sales tax law.

48           8. All exemptions granted to agencies of government, organizations,  
49 persons and to the sale of certain articles and items of tangible personal property  
50 and taxable services under the provisions of sections 144.010 to 144.525, as these  
51 sections now read and as they may hereafter be amended, it being the intent of  
52 this general assembly to ensure that the same sales tax exemptions granted from  
53 the state sales tax law also be granted under the local sales tax law, are hereby  
54 made applicable to the imposition and collection of all local sales taxes imposed  
55 under the local sales tax law.

56           9. The same sales tax permit, exemption certificate and retail certificate  
57 required by sections 144.010 to 144.525 for the administration and collection of  
58 the state sales tax shall satisfy the requirements of the local sales tax law, and  
59 no additional permit or exemption certificate or retail certificate shall be  
60 required; except that the director of revenue may prescribe a form of exemption  
61 certificate for an exemption from any local sales tax imposed by the local sales tax  
62 law.

63           10. All discounts allowed the retailer under the provisions of the state  
64 sales tax law for the collection of and for payment of taxes under the provisions  
65 of the state sales tax law are hereby allowed and made applicable to any local  
66 sales tax collected under the provisions of the local sales tax law.

67           11. The penalties provided in section 32.057 and sections 144.010 to  
68 144.525 for a violation of the provisions of those sections are hereby made  
69 applicable to violations of the provisions of the local sales tax law.

70           12. (1) For the purposes of any local sales tax imposed by an ordinance  
71 or order under the local sales tax law, all sales, except the sale of motor vehicles,  
72 trailers, boats, and outboard motors, shall be deemed to be consummated at the  
73 place of business of the retailer unless the tangible personal property sold is  
74 delivered by the retailer or his agent to an out-of-state destination. In the event  
75 a retailer has more than one place of business in this state which participates in  
76 the sale, the sale shall be deemed to be consummated at the place of business of  
77 the retailer where the initial order for the tangible personal property is taken,  
78 even though the order must be forwarded elsewhere for acceptance, approval of

79 credit, shipment or billing. A sale by a retailer's agent or employee shall be  
80 deemed to be consummated at the place of business from which he works.

81 (2) For the purposes of any local sales tax imposed by an ordinance or  
82 order under the local sales tax law, all sales, **within the boundaries of the**  
83 **state and outside the boundaries of the state**, of motor vehicles, trailers,  
84 boats, and outboard motors shall be deemed to be consummated at the residence  
85 of the purchaser and not at the place of business of the retailer, or the place of  
86 business from which the retailer's agent or employee works.

87 (3) For the purposes of any local tax imposed by an ordinance or under the  
88 local sales tax law on charges for mobile telecommunications services, all taxes  
89 of mobile telecommunications service shall be imposed as provided in the Mobile  
90 Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as  
91 amended.

92 13. Local sales taxes imposed pursuant to the local sales tax law on the  
93 purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not  
94 be collected and remitted by the seller, but shall be collected by the director of  
95 revenue at the time application is made for a certificate of title, if the address of  
96 the applicant is within a taxing entity imposing a local sales tax under the local  
97 sales tax law.

98 14. The director of revenue and any of his deputies, assistants and  
99 employees who have any duties or responsibilities in connection with the  
100 collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting,  
101 or recording of funds which come into the hands of the director of revenue under  
102 the provisions of the local sales tax law shall enter a surety bond or bonds  
103 payable to any and all taxing entities in whose behalf such funds have been  
104 collected under the local sales tax law in the amount of one hundred thousand  
105 dollars for each such tax; but the director of revenue may enter into a blanket  
106 bond covering himself and all such deputies, assistants and employees. The cost  
107 of any premium for such bonds shall be paid by the director of revenue from the  
108 share of the collections under the sales tax law retained by the director of  
109 revenue for the benefit of the state.

110 15. The director of revenue shall annually report on his management of  
111 each trust fund which is created under the local sales tax law and administration  
112 of each local sales tax imposed under the local sales tax law. He shall provide  
113 each taxing entity imposing one or more local sales taxes authorized by the local  
114 sales tax law with a detailed accounting of the source of all funds received by him

115 for the taxing entity. Notwithstanding any other provisions of law, the state  
116 auditor shall annually audit each trust fund. A copy of the director's report and  
117 annual audit shall be forwarded to each taxing entity imposing one or more local  
118 sales taxes.

119       16. Within the boundaries of any taxing entity where one or more local  
120 sales taxes have been imposed, if any person is delinquent in the payment of the  
121 amount required to be paid by him under the local sales tax law or in the event  
122 a determination has been made against him for taxes and penalty under the local  
123 sales tax law, the limitation for bringing suit for the collection of the delinquent  
124 tax and penalty shall be the same as that provided in sections 144.010 to  
125 144.525. Where the director of revenue has determined that suit must be filed  
126 against any person for the collection of delinquent taxes due the state under the  
127 state sales tax law, and where such person is also delinquent in payment of taxes  
128 under the local sales tax law, the director of revenue shall notify the taxing entity  
129 in the event any person fails or refuses to pay the amount of any local sales tax  
130 due so that appropriate action may be taken by the taxing entity.

131       17. Where property is seized by the director of revenue under the  
132 provisions of any law authorizing seizure of the property of a taxpayer who is  
133 delinquent in payment of the tax imposed by the state sales tax law, and where  
134 such taxpayer is also delinquent in payment of any tax imposed by the local sales  
135 tax law, the director of revenue shall permit the taxing entity to join in any sale  
136 of property to pay the delinquent taxes and penalties due the state and to the  
137 taxing entity under the local sales tax law. The proceeds from such sale shall  
138 first be applied to all sums due the state, and the remainder, if any, shall be  
139 applied to all sums due such taxing entity.

140       18. If a local sales tax has been in effect for at least one year under the  
141 provisions of the local sales tax law and voters approve reimposition of the same  
142 local sales tax at the same rate at an election as provided for in the local sales  
143 tax law prior to the date such tax is due to expire, the tax so reimposed shall  
144 become effective the first day of the first calendar quarter after the director  
145 receives a certified copy of the ordinance, order or resolution accompanied by a  
146 map clearly showing the boundaries thereof and the results of such election,  
147 provided that such ordinance, order or resolution and all necessary accompanying  
148 materials are received by the director at least thirty days prior to the expiration  
149 of such tax. Any administrative cost or expense incurred by the state as a result  
150 of the provisions of this subsection shall be paid by the city or county reimposing

151 such tax.

142.932. 1. No person shall operate or maintain a motor vehicle on any  
2 public highway in this state with motor fuel contained in the fuel supply tank for  
3 the motor vehicle that contains dye as provided pursuant to this chapter.

4 2. This section does not apply to:

5 (1) Persons operating motor vehicles that have received fuel into their fuel  
6 tanks outside of this state in a jurisdiction that permits introduction of dyed  
7 motor fuel of that color and type into the motor fuel tank of highway vehicles; [or]

8 (2) Uses of dyed fuel on the highway which are lawful under the Internal  
9 Revenue Code and regulations thereunder and as set forth in this chapter unless  
10 otherwise prohibited by this chapter; or

11 **(3) Persons operating motor vehicles during a state of emergency**  
12 **declaration by the governor, when such motor vehicles are engaged in**  
13 **public safety matters or in restoration of utility services attributable**  
14 **to the state of emergency. This exception shall apply to public utility**  
15 **and rural electric cooperative motor vehicles and the motor vehicles of**  
16 **persons contracting with such entities for the purpose of restoring**  
17 **utility service attributable to the state of emergency.**

18 3. No person shall sell or hold for sale dyed diesel fuel or dyed kerosene  
19 for any use that the person knows or has reason to know is a taxable use of the  
20 diesel fuel.

21 4. No person shall use or hold for use any dyed diesel fuel for a taxable  
22 use when the person knew or had reason to know that the diesel fuel was so dyed.

23 5. No person shall willfully, with intent to evade tax, alter or attempt to  
24 alter the strength or composition of any dye or marker in any dyed diesel fuel or  
25 dyed kerosene.

26 6. Any person who knowingly violates or knowingly aids and abets  
27 another to violate the provisions of this section with the intent to evade the tax  
28 levied by this chapter shall be guilty of a class A misdemeanor.

29 7. Any person or business entity, each officer, employee, or agent of the  
30 entity who willfully participates in any act in violation of this section shall be  
31 jointly and severally liable with the entity for the tax and penalty which shall be  
32 the same as imposed pursuant to 26 U.S.C., Section 6715 or its successor section.

144.030. 1. There is hereby specifically exempted from the provisions of  
2 sections 144.010 to 144.525 and from the computation of the tax levied, assessed  
3 or payable pursuant to sections 144.010 to 144.525 such retail sales as may be

4 made in commerce between this state and any other state of the United States,  
5 or between this state and any foreign country, and any retail sale which the state  
6 of Missouri is prohibited from taxing pursuant to the Constitution or laws of the  
7 United States of America, and such retail sales of tangible personal property  
8 which the general assembly of the state of Missouri is prohibited from taxing or  
9 further taxing by the constitution of this state.

10 2. There are also specifically exempted from the provisions of the local  
11 sales tax law as defined in section 32.085, section 238.235, and sections 144.010  
12 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied,  
13 assessed or payable pursuant to the local sales tax law as defined in section  
14 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

15 (1) Motor fuel or special fuel subject to an excise tax of this state, unless  
16 all or part of such excise tax is refunded pursuant to section 142.824; or upon the  
17 sale at retail of fuel to be consumed in manufacturing or creating gas, power,  
18 steam, electrical current or in furnishing water to be sold ultimately at retail; or  
19 feed for livestock or poultry; or grain to be converted into foodstuffs which are to  
20 be sold ultimately in processed form at retail; or seed, limestone or fertilizer  
21 which is to be used for seeding, liming or fertilizing crops which when harvested  
22 will be sold at retail or will be fed to livestock or poultry to be sold ultimately in  
23 processed form at retail; economic poisons registered pursuant to the provisions  
24 of the Missouri pesticide registration law (sections 281.220 to 281.310) which are  
25 to be used in connection with the growth or production of crops, fruit trees or  
26 orchards applied before, during, or after planting, the crop of which when  
27 harvested will be sold at retail or will be converted into foodstuffs which are to  
28 be sold ultimately in processed form at retail;

29 (2) Materials, manufactured goods, machinery and parts which when used  
30 in manufacturing, processing, compounding, mining, producing or fabricating  
31 become a component part or ingredient of the new personal property resulting  
32 from such manufacturing, processing, compounding, mining, producing or  
33 fabricating and which new personal property is intended to be sold ultimately for  
34 final use or consumption; and materials, including without limitation, gases and  
35 manufactured goods, including without limitation slagging materials and  
36 firebrick, which are ultimately consumed in the manufacturing process by  
37 blending, reacting or interacting with or by becoming, in whole or in part,  
38 component parts or ingredients of steel products intended to be sold ultimately  
39 for final use or consumption;

40           (3) Materials, replacement parts and equipment purchased for use directly  
41 upon, and for the repair and maintenance or manufacture of, motor vehicles,  
42 watercraft, railroad rolling stock or aircraft engaged as common carriers of  
43 persons or property;

44           (4) **Motor vehicles registered in excess of fifty-four thousand**  
45 **pounds, and the trailers pulled by such motor vehicles, that are**  
46 **actually used in the normal course of business to haul property on the**  
47 **public highways of the state, and that are capable of hauling loads**  
48 **commensurate with the motor vehicle's registered weight; and the**  
49 **materials, replacement parts, and equipment purchased for use directly**  
50 **upon, and for the repair and maintenance or manufacture of such**  
51 **vehicles. For purposes of this subdivision "motor vehicle" and "public**  
52 **highway" shall have the meaning as ascribed in section 390.020;**

53           (5) Replacement machinery, equipment, and parts and the materials and  
54 supplies solely required for the installation or construction of such replacement  
55 machinery, equipment, and parts, used directly in manufacturing, mining,  
56 fabricating or producing a product which is intended to be sold ultimately for  
57 final use or consumption; and machinery and equipment, and the materials and  
58 supplies required solely for the operation, installation or construction of such  
59 machinery and equipment, purchased and used to establish new, or to replace or  
60 expand existing, material recovery processing plants in this state. For the  
61 purposes of this subdivision, a "material recovery processing plant" means a  
62 facility that has as its primary purpose the recovery of materials into a useable  
63 product or a different form which is used in producing a new product and shall  
64 include a facility or equipment which are used exclusively for the collection of  
65 recovered materials for delivery to a material recovery processing plant but shall  
66 not include motor vehicles used on highways. For purposes of this section, the  
67 terms motor vehicle and highway shall have the same meaning pursuant to  
68 section 301.010. Material recovery is not the reuse of materials within a  
69 manufacturing process or the use of a product previously recovered. The material  
70 recovery processing plant shall qualify under the provisions of this section  
71 regardless of ownership of the material being recovered;

72           [(5)] (6) Machinery and equipment, and parts and the materials and  
73 supplies solely required for the installation or construction of such machinery and  
74 equipment, purchased and used to establish new or to expand existing  
75 manufacturing, mining or fabricating plants in the state, **including any tiled**



76 **manufacturing or mining equipment**, if such machinery and equipment is  
77 used directly in manufacturing, mining or fabricating a product which is intended  
78 to be sold ultimately for final use or consumption;

79 [(6)] (7) Tangible personal property which is used exclusively in the  
80 manufacturing, processing, modification or assembling of products sold to the  
81 United States government or to any agency of the United States government;

82 [(7)] (8) Animals or poultry used for breeding or feeding purposes, or  
83 captive wildlife;

84 [(8)] (9) Newsprint, ink, computers, photosensitive paper and film, toner,  
85 printing plates and other machinery, equipment, replacement parts and supplies  
86 used in producing newspapers published for dissemination of news to the general  
87 public;

88 [(9)] (10) The rentals of films, records or any type of sound or picture  
89 transcriptions for public commercial display;

90 [(10)] (11) Pumping machinery and equipment used to propel products  
91 delivered by pipelines engaged as common carriers;

92 [(11)] (12) Railroad rolling stock for use in transporting persons or  
93 property in interstate commerce and motor vehicles licensed for a gross weight  
94 of twenty-four thousand pounds or more or trailers used by common carriers, as  
95 defined in section 390.020, in the transportation of persons or property;

96 [(12)] (13) Electrical energy used in the actual primary manufacture,  
97 processing, compounding, mining or producing of a product, or electrical energy  
98 used in the actual secondary processing or fabricating of the product, or a  
99 material recovery processing plant as defined in subdivision (4) of this subsection,  
100 in facilities owned or leased by the taxpayer, if the total cost of electrical energy  
101 so used exceeds ten percent of the total cost of production, either primary or  
102 secondary, exclusive of the cost of electrical energy so used or if the raw materials  
103 used in such processing contain at least twenty-five percent recovered materials  
104 as defined in section 260.200. There shall be a rebuttable presumption that the  
105 raw materials used in the primary manufacture of automobiles contain at least  
106 twenty-five percent recovered materials. For purposes of this subdivision,  
107 "processing" means any mode of treatment, act or series of acts performed upon  
108 materials to transform and reduce them to a different state or thing, including  
109 treatment necessary to maintain or preserve such processing by the producer at  
110 the production facility;

111 [(13)] (14) Anodes which are used or consumed in manufacturing,

112 processing, compounding, mining, producing or fabricating and which have a  
113 useful life of less than one year;

114       [(14)] **(15)** Machinery, equipment, appliances and devices purchased or  
115 leased and used solely for the purpose of preventing, abating or monitoring air  
116 pollution, and materials and supplies solely required for the installation,  
117 construction or reconstruction of such machinery, equipment, appliances and  
118 devices;

119       [(15)] **(16)** Machinery, equipment, appliances and devices purchased or  
120 leased and used solely for the purpose of preventing, abating or monitoring water  
121 pollution, and materials and supplies solely required for the installation,  
122 construction or reconstruction of such machinery, equipment, appliances and  
123 devices;

124       [(16)] **(17)** Tangible personal property purchased by a rural water  
125 district;

126       [(17)] **(18)** All amounts paid or charged for admission or participation or  
127 other fees paid by or other charges to individuals in or for any place of  
128 amusement, entertainment or recreation, games or athletic events, including  
129 museums, fairs, zoos and planetariums, owned or operated by a municipality or  
130 other political subdivision where all the proceeds derived therefrom benefit the  
131 municipality or other political subdivision and do not inure to any private person,  
132 firm, or corporation;

133       [(18)] **(19)** All sales of insulin and prosthetic or orthopedic devices as  
134 defined on January 1, 1980, by the federal Medicare program pursuant to Title  
135 XVIII of the Social Security Act of 1965, including the items specified in Section  
136 1862(a)(12) of that act, and also specifically including hearing aids and hearing  
137 aid supplies and all sales of drugs which may be legally dispensed by a licensed  
138 pharmacist only upon a lawful prescription of a practitioner licensed to  
139 administer those items, including samples and materials used to manufacture  
140 samples which may be dispensed by a practitioner authorized to dispense such  
141 samples and all sales or rental of medical oxygen, home respiratory equipment  
142 and accessories, hospital beds and accessories and ambulatory aids, all sales or  
143 rental of manual and powered wheelchairs, stairway lifts, Braille writers,  
144 electronic Braille equipment and, if purchased or rented by or on behalf of a  
145 person with one or more physical or mental disabilities to enable them to function  
146 more independently, all sales or rental of scooters, reading machines, electronic  
147 print enlargers and magnifiers, electronic alternative and augmentative

148 communication devices, and items used solely to modify motor vehicles to permit  
149 the use of such motor vehicles by individuals with disabilities or sales of  
150 over-the-counter or nonprescription drugs to individuals with disabilities, and  
151 drugs required by the Food and Drug Administration to meet the over-the-counter  
152 drug product labeling requirements in 21 CFR 201.66, or its successor, as  
153 prescribed by a health care practitioner licensed to prescribe;

154       **[(19)] (20)** All sales made by or to religious and charitable organizations  
155 and institutions in their religious, charitable or educational functions and  
156 activities and all sales made by or to all elementary and secondary schools  
157 operated at public expense in their educational functions and activities;

158       **[(20)] (21)** All sales of aircraft to common carriers for storage or for use  
159 in interstate commerce and all sales made by or to not-for-profit civic, social,  
160 service or fraternal organizations, including fraternal organizations which have  
161 been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of  
162 the 1986 Internal Revenue Code, as amended, in their civic or charitable  
163 functions and activities and all sales made to eleemosynary and penal institutions  
164 and industries of the state, and all sales made to any private not-for-profit  
165 institution of higher education not otherwise excluded pursuant to subdivision  
166 (19) of this subsection or any institution of higher education supported by public  
167 funds, and all sales made to a state relief agency in the exercise of relief functions  
168 and activities;

169       **[(21)] (22)** All ticket sales made by benevolent, scientific and educational  
170 associations which are formed to foster, encourage, and promote progress and  
171 improvement in the science of agriculture and in the raising and breeding of  
172 animals, and by nonprofit summer theater organizations if such organizations are  
173 exempt from federal tax pursuant to the provisions of the Internal Revenue Code  
174 and all admission charges and entry fees to the Missouri state fair or any fair  
175 conducted by a county agricultural and mechanical society organized and  
176 operated pursuant to sections 262.290 to 262.530;

177       **[(22)] (23)** All sales made to any private not-for-profit elementary or  
178 secondary school, all sales of feed additives, medications or vaccines administered  
179 to livestock or poultry in the production of food or fiber, all sales of pesticides  
180 used in the production of crops, livestock or poultry for food or fiber, all sales of  
181 bedding used in the production of livestock or poultry for food or fiber, all sales  
182 of propane or natural gas, electricity or diesel fuel used exclusively for drying  
183 agricultural crops, natural gas used in the primary manufacture or processing of

184 fuel ethanol as defined in section 142.028, natural gas, propane, and electricity  
185 used by an eligible new generation cooperative or an eligible new generation  
186 processing entity as defined in section 348.432, and all sales of farm machinery  
187 and equipment, other than airplanes, motor vehicles and trailers, and any freight  
188 charges on any exempt item. As used in this subdivision, the term "feed  
189 additives" means tangible personal property which, when mixed with feed for  
190 livestock or poultry, is to be used in the feeding of livestock or poultry. As used  
191 in this subdivision, the term "pesticides" includes adjuvants such as crop oils,  
192 surfactants, wetting agents and other assorted pesticide carriers used to improve  
193 or enhance the effect of a pesticide and the foam used to mark the application of  
194 pesticides and herbicides for the production of crops, livestock or poultry. As  
195 used in this subdivision, the term "farm machinery and equipment" means new  
196 or used farm tractors and such other new or used farm machinery and equipment  
197 and repair or replacement parts thereon and any accessories for and upgrades to  
198 such farm machinery and equipment, rotary mowers used exclusively for  
199 agricultural purposes, and supplies and lubricants used exclusively, solely, and  
200 directly for producing crops, raising and feeding livestock, fish, poultry,  
201 pheasants, chukar, quail, or for producing milk for ultimate sale at retail,  
202 including field drain tile, and one-half of each purchaser's purchase of diesel fuel  
203 therefor which is:

204 (a) Used exclusively for agricultural purposes;

205 (b) Used on land owned or leased for the purpose of producing farm  
206 products; and

207 (c) Used directly in producing farm products to be sold ultimately in  
208 processed form or otherwise at retail or in producing farm products to be fed to  
209 livestock or poultry to be sold ultimately in processed form at retail;

210 **[(23)] (24)** Except as otherwise provided in section 144.032, all sales of  
211 metered water service, electricity, electrical current, natural, artificial or propane  
212 gas, wood, coal or home heating oil for domestic use and in any city not within a  
213 county, all sales of metered or unmetered water service for domestic use:

214 (a) "Domestic use" means that portion of metered water service,  
215 electricity, electrical current, natural, artificial or propane gas, wood, coal or  
216 home heating oil, and in any city not within a county, metered or unmetered  
217 water service, which an individual occupant of a residential premises uses for  
218 nonbusiness, noncommercial or nonindustrial purposes. Utility service through  
219 a single or master meter for residential apartments or condominiums, including

220 service for common areas and facilities and vacant units, shall be deemed to be  
221 for domestic use. Each seller shall establish and maintain a system whereby  
222 individual purchases are determined as exempt or nonexempt;

223 (b) Regulated utility sellers shall determine whether individual purchases  
224 are exempt or nonexempt based upon the seller's utility service rate  
225 classifications as contained in tariffs on file with and approved by the Missouri  
226 public service commission. Sales and purchases made pursuant to the rate  
227 classification "residential" and sales to and purchases made by or on behalf of the  
228 occupants of residential apartments or condominiums through a single or master  
229 meter, including service for common areas and facilities and vacant units, shall  
230 be considered as sales made for domestic use and such sales shall be exempt from  
231 sales tax. Sellers shall charge sales tax upon the entire amount of purchases  
232 classified as nondomestic use. The seller's utility service rate classification and  
233 the provision of service thereunder shall be conclusive as to whether or not the  
234 utility must charge sales tax;

235 (c) Each person making domestic use purchases of services or property  
236 and who uses any portion of the services or property so purchased for a  
237 nondomestic use shall, by the fifteenth day of the fourth month following the year  
238 of purchase, and without assessment, notice or demand, file a return and pay  
239 sales tax on that portion of nondomestic purchases. Each person making  
240 nondomestic purchases of services or property and who uses any portion of the  
241 services or property so purchased for domestic use, and each person making  
242 domestic purchases on behalf of occupants of residential apartments or  
243 condominiums through a single or master meter, including service for common  
244 areas and facilities and vacant units, under a nonresidential utility service rate  
245 classification may, between the first day of the first month and the fifteenth day  
246 of the fourth month following the year of purchase, apply for credit or refund to  
247 the director of revenue and the director shall give credit or make refund for taxes  
248 paid on the domestic use portion of the purchase. The person making such  
249 purchases on behalf of occupants of residential apartments or condominiums shall  
250 have standing to apply to the director of revenue for such credit or refund;

251 ~~[(24)]~~ **(25)** All sales of handicraft items made by the seller or the seller's  
252 spouse if the seller or the seller's spouse is at least sixty-five years of age, and if  
253 the total gross proceeds from such sales do not constitute a majority of the annual  
254 gross income of the seller;

255 ~~[(25)]~~ **(26)** Excise taxes, collected on sales at retail, imposed by Sections

256 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United  
257 States Code. The director of revenue shall promulgate rules pursuant to chapter  
258 536 to eliminate all state and local sales taxes on such excise taxes;

259 [(26)] (27) Sales of fuel consumed or used in the operation of ships,  
260 barges, or waterborne vessels which are used primarily in or for the  
261 transportation of property or cargo, or the conveyance of persons for hire, on  
262 navigable rivers bordering on or located in part in this state, if such fuel is  
263 delivered by the seller to the purchaser's barge, ship, or waterborne vessel while  
264 it is afloat upon such river;

265 [(27)] (28) All sales made to an interstate compact agency created  
266 pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the  
267 exercise of the functions and activities of such agency as provided pursuant to the  
268 compact;

269 [(28)] (29) Computers, computer software and computer security systems  
270 purchased for use by architectural or engineering firms headquartered in this  
271 state. For the purposes of this subdivision, "headquartered in this state" means  
272 the office for the administrative management of at least four integrated facilities  
273 operated by the taxpayer is located in the state of Missouri;

274 [(29)] (30) All livestock sales when either the seller is engaged in the  
275 growing, producing or feeding of such livestock, or the seller is engaged in the  
276 business of buying and selling, bartering or leasing of such livestock;

277 [(30)] (31) All sales of barges which are to be used primarily in the  
278 transportation of property or cargo on interstate waterways;

279 [(31)] (32) Electrical energy or gas, whether natural, artificial or  
280 propane, water, or other utilities which are ultimately consumed in connection  
281 with the manufacturing of cellular glass products or in any material recovery  
282 processing plant as defined in subdivision (4) of this subsection;

283 [(32)] (33) Notwithstanding other provisions of law to the contrary, all  
284 sales of pesticides or herbicides used in the production of crops, aquaculture,  
285 livestock or poultry;

286 [(33)] (34) Tangible personal property and utilities purchased for use or  
287 consumption directly or exclusively in the research and development of  
288 agricultural/biotechnology and plant genomics products and prescription  
289 pharmaceuticals consumed by humans or animals;

290 [(34)] (35) All sales of grain bins for storage of grain for resale;

291 [(35)] (36) All sales of feed which are developed for and used in the

292 feeding of pets owned by a commercial breeder when such sales are made to a  
293 commercial breeder, as defined in section 273.325, and licensed pursuant to  
294 sections 273.325 to 273.357;

295        ~~[(36)]~~ **(37)** All purchases by a contractor on behalf of an entity located in  
296 another state, provided that the entity is authorized to issue a certificate of  
297 exemption for purchases to a contractor under the provisions of that state's  
298 laws. For purposes of this subdivision, the term "certificate of exemption" shall  
299 mean any document evidencing that the entity is exempt from sales and use taxes  
300 on purchases pursuant to the laws of the state in which the entity is located. Any  
301 contractor making purchases on behalf of such entity shall maintain a copy of the  
302 entity's exemption certificate as evidence of the exemption. If the exemption  
303 certificate issued by the exempt entity to the contractor is later determined by the  
304 director of revenue to be invalid for any reason and the contractor has accepted  
305 the certificate in good faith, neither the contractor or the exempt entity shall be  
306 liable for the payment of any taxes, interest and penalty due as the result of use  
307 of the invalid exemption certificate. Materials shall be exempt from all state and  
308 local sales and use taxes when purchased by a contractor for the purpose of  
309 fabricating tangible personal property which is used in fulfilling a contract for the  
310 purpose of constructing, repairing or remodeling facilities for the following:

311        (a) An exempt entity located in this state, if the entity is one of those  
312 entities able to issue project exemption certificates in accordance with the  
313 provisions of section 144.062; or

314        (b) An exempt entity located outside the state if the exempt entity is  
315 authorized to issue an exemption certificate to contractors in accordance with the  
316 provisions of that state's law and the applicable provisions of this section;

317        ~~[(37)]~~ **(38)** All sales or other transfers of tangible personal property to a  
318 lessor who leases the property under a lease of one year or longer executed or in  
319 effect at the time of the sale or other transfer to an interstate compact agency  
320 created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

321        ~~[(38)]~~ **(39)** Sales of tickets to any collegiate athletic championship event  
322 that is held in a facility owned or operated by a governmental authority or  
323 commission, a quasi-governmental agency, a state university or college or by the  
324 state or any political subdivision thereof, including a municipality, and that is  
325 played on a neutral site and may reasonably be played at a site located outside  
326 the state of Missouri. For purposes of this subdivision, "neutral site" means any  
327 site that is not located on the campus of a conference member institution

328 participating in the event;

329           [(39)] **(40)** All purchases by a sports complex authority created under  
330 section 64.920, and all sales of utilities by such authority at the authority's cost  
331 that are consumed in connection with the operation of a sports complex leased to  
332 a professional sports team;

333           [(40)] **(41)** Beginning January 1, 2009, but not after January 1, 2015,  
334 materials, replacement parts, and equipment purchased for use directly upon, and  
335 for the modification, replacement, repair, and maintenance of aircraft, aircraft  
336 power plants, and aircraft accessories;

337           [(41)] **(42)** Sales of sporting clays, wobble, skeet, and trap targets to any  
338 shooting range or similar places of business for use in the normal course of  
339 business and money received by a shooting range or similar places of business  
340 from patrons and held by a shooting range or similar place of business for  
341 redistribution to patrons at the conclusion of a shooting event.

144.757. 1. Any county or municipality, except municipalities within a  
2 county having a charter form of government with a population in excess of nine  
3 hundred thousand, may, by a majority vote of its governing body, impose a local  
4 use tax if a local sales tax is imposed as defined in section 32.085 at a rate equal  
5 to the rate of the local sales tax in effect in such county or municipality; provided,  
6 however, that no ordinance or order enacted pursuant to sections 144.757 to  
7 144.761 shall be effective unless the governing body of the county or municipality  
8 submits to the voters thereof at a municipal, county or state general, primary or  
9 special election a proposal to authorize the governing body of the county or  
10 municipality to impose a local use tax pursuant to sections 144.757 to  
11 144.761. Municipalities within a county having a charter form of government  
12 with a population in excess of nine hundred thousand may, upon voter approval  
13 received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this  
14 section, impose a local use tax at the same rate as the local municipal sales tax  
15 with the revenues from all such municipal use taxes to be distributed pursuant  
16 to subsection 4 of section 94.890. The municipality shall within thirty days of the  
17 approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of  
18 subsection 2 of this section select one of the distribution options permitted in  
19 subsection 4 of section 94.890 for distribution of all municipal use taxes. **The**  
20 **option to impose a local use tax under this section shall not be effective**  
21 **on sales of any motor vehicle, trailer, boat, or outboard motor**  
22 **purchased outside the boundaries of the state, as such purchases are**



23 deemed to be consummated at the residence of the purchaser pursuant  
24 to subdivision (2) of subsection 12 of section 32.087, and therefore  
25 subject to the local sales taxes levied by the appropriate political  
26 subdivisions pursuant to subsection 5 of section 32.087.

27           2. (1) The ballot of submission, except for counties and municipalities  
28   described in subdivisions (2) and (3) of this subsection, shall contain substantially  
29   the following language:

30 Shall the ..... (county or municipality's name) impose a local use tax  
31 at the same rate as the total local sales tax rate, currently ..... (insert  
32 percent), provided that if the local sales tax rate is reduced or raised by voter  
33 approval, the local use tax rate shall also be reduced or raised by the same  
34 action? A use tax return shall not be required to be filed by persons whose  
35 purchases from out-of-state vendors do not in total exceed two thousand dollars  
36 in any calendar year.

37 ☐ YES ☐ NO

38 If you are in favor of the question, place an "X" in the box opposite "YES". If you  
39 are opposed to the question, place an "X" in the box opposite "NO".

40           (2) (a) The ballot of submission in a county having a charter form of  
41 government with a population in excess of nine hundred thousand shall contain  
42 substantially the following language:

43 For the purposes of enhancing county and municipal public safety, parks,  
44 and job creation and enhancing local government services, shall the county be  
45 authorized to collect a local use tax equal to the total of the existing county sales  
46 tax rate of (insert tax rate), provided that if the county sales tax is repealed,  
47 reduced or raised by voter approval, the local use tax rate shall also be repealed,  
48 reduced or raised by the same voter action? Fifty percent of the revenue shall be  
49 used by the county throughout the county for improving and enhancing public  
50 safety, park improvements, and job creation, and fifty percent shall be used for  
51 enhancing local government services. The county shall be required to make  
52 available to the public an audited comprehensive financial report detailing the  
53 management and use of the countywide portion of the funds each year. A use tax  
54 is the equivalent of a sales tax on purchases from out-of-state sellers by in-state  
55 buyers and on certain taxable business transactions. A use tax return shall not  
56 be required to be filed by persons whose purchases from out-of-state vendors do  
57 not in total exceed two thousand dollars in any calendar year.

58 ☐ YES ☐ NO

59 If you are in favor of the question, place an "X" in the box opposite "YES". If you  
60 are opposed to the question, place an "X" in the box opposite "NO".

61 (b) The ballot of submission in a municipality within a county having a  
62 charter form of government with a population in excess of nine hundred thousand  
63 shall contain substantially the following language:

64 Shall the municipality be authorized to impose a local use tax at the same  
65 rate as the local sales tax by a vote of the governing body, provided that if any  
66 local sales tax is repealed, reduced or raised by voter approval, the respective  
67 local use tax shall also be repealed, reduced or raised by the same action? A use  
68 tax return shall not be required to be filed by persons whose purchases from  
69 out-of-state vendors do not in total exceed two thousand dollars in any calendar  
70 year.

71 ☐ YES ☐ NO

72 If you are in favor of the question, place an "X" in the box opposite "YES". If you  
73 are opposed to the question, place an "X" in the box opposite "NO".

74 (3) The ballot of submission in any city not within a county shall contain  
75 substantially the following language:

76 Shall the ..... (city name) impose a local use tax at the same rate as  
77 the local sales tax, currently at a rate of ..... (insert percent) which includes  
78 the capital improvements sales tax and the transportation tax, provided that if  
79 any local sales tax is repealed, reduced or raised by voter approval, the respective  
80 local use tax shall also be repealed, reduced or raised by the same action? A use  
81 tax return shall not be required to be filed by persons whose purchases from  
82 out-of-state vendors do not in total exceed two thousand dollars in any calendar  
83 year.

84 ☐ YES ☐ NO

85 If you are in favor of the question, place an "X" in the box opposite "YES". If you  
86 are opposed to the question, place an "X" in the box opposite "NO".

87 (4) If any of such ballots are submitted on August 6, 1996, and if a  
88 majority of the votes cast on the proposal by the qualified voters voting thereon  
89 are in favor of the proposal, then the ordinance or order and any amendments  
90 thereto shall be in effect October 1, 1996, provided the director of revenue  
91 receives notice of adoption of the local use tax on or before August 16, 1996. If  
92 any of such ballots are submitted after December 31, 1996, and if a majority of  
93 the votes cast on the proposal by the qualified voters voting thereon are in favor  
94 of the proposal, then the ordinance or order and any amendments thereto shall

95 be in effect on the first day of the calendar quarter which begins at least  
96 forty-five days after the director of revenue receives notice of adoption of the local  
97 use tax. If a majority of the votes cast by the qualified voters voting are opposed  
98 to the proposal, then the governing body of the county or municipality shall have  
99 no power to impose the local use tax as herein authorized unless and until the  
100 governing body of the county or municipality shall again have submitted another  
101 proposal to authorize the governing body of the county or municipality to impose  
102 the local use tax and such proposal is approved by a majority of the qualified  
103 voters voting thereon.

104 3. The local use tax may be imposed at the same rate as the local sales  
105 tax then currently in effect in the county or municipality upon all transactions  
106 which are subject to the taxes imposed pursuant to sections 144.600 to 144.745  
107 within the county or municipality adopting such tax; provided, however, that if  
108 any local sales tax is repealed or the rate thereof is reduced or raised by voter  
109 approval, the local use tax rate shall also be deemed to be repealed, reduced or  
110 raised by the same action repealing, reducing or raising the local sales tax.

111 4. For purposes of sections 144.757 to 144.761, the use tax may be  
112 referred to or described as the equivalent of a sales tax on purchases made from  
113 out-of-state sellers by in-state buyers and on certain intrabusiness  
114 transactions. Such a description shall not change the classification, form or  
115 subject of the use tax or the manner in which it is collected.

260.392. 1. As used in sections 260.392 to 260.399, the following terms  
2 mean:

3 (1) "Cask", all the components and systems associated with the container  
4 in which spent fuel, high-level radioactive waste, highway route controlled  
5 quantity, or transuranic radioactive waste are stored;

6 (2) "High-level radioactive waste", the highly radioactive material  
7 resulting from the reprocessing of spent nuclear fuel including liquid waste  
8 produced directly in reprocessing and any solid material derived from such liquid  
9 waste that contains fission products in sufficient concentrations, and other highly  
10 radioactive material that the United States Nuclear Regulatory Commission has  
11 determined to be high-level radioactive waste requiring permanent isolation;

12 (3) "Highway route controlled quantity", as defined in 49 CFR Part  
13 173.403, as amended, a quantity of radioactive material within a single  
14 package. Highway route controlled quantity shipments [of thirty miles or less  
15 within the state] are exempt from the provisions of this section;

16 (4) "Low-level radioactive waste", any radioactive waste not classified as  
17 high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel  
18 by the United States Nuclear Regulatory Commission, consistent with existing  
19 law. Shipment of all sealed sources meeting the definition of low-level radioactive  
20 waste, shipments of low-level radioactive waste that are within a radius of no  
21 more than fifty miles from the point of origin, and all naturally occurring  
22 radioactive material given written approval for landfill disposal by the Missouri  
23 department of natural resources under 10 CSR 80-3.010 are exempt from the  
24 provisions of this section. Any low-level radioactive waste that has a radioactive  
25 half-life equal to or less than one hundred twenty days is exempt from the  
26 provisions of this section;

27 (5) "Shipper", the generator, owner, or company contracting for  
28 transportation by truck or rail of the spent fuel, high-level radioactive waste,  
29 highway route controlled quantity shipments, transuranic radioactive waste, or  
30 low-level radioactive waste;

31 (6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear  
32 reactor following irradiation, the constituent elements of which have not been  
33 separated by reprocessing;

34 (7) "State-funded institutions of higher education", any campus of any  
35 university within the state of Missouri that receives state funding and has a  
36 nuclear research reactor;

37 (8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as  
38 amended, as waste containing more than one hundred nanocuries of  
39 alpha-emitting transuranic isotopes with half-lives greater than twenty years, per  
40 gram of waste. For the purposes of this section, transuranic waste shall not  
41 include:

42 (a) High-level radioactive wastes;

43 (b) Any waste determined by the Environmental Protection Agency with  
44 the concurrence of the Environmental Protection Agency administrator that does  
45 not need the degree of isolation required by this section; or

46 (c) Any waste that the United States Nuclear Regulatory Commission has  
47 approved for disposal on a case-by-case basis in accordance with 10 CFR Part 61,  
48 as amended.

49 2. Any shipper that ships high-level radioactive waste, transuranic  
50 radioactive waste, [highway route controlled quantity shipments,] spent nuclear  
51 fuel, or low-level radioactive waste through or within the state shall be subject

52 to the fees established in this subsection, provided that no state-funded  
53 institution of higher education that ships nuclear waste shall pay any such  
54 fee. These higher education institutions shall reimburse the Missouri state  
55 highway patrol directly for all costs related to shipment escorts. The fees for all  
56 other shipments shall be:

57 (1) One thousand eight hundred dollars for each cask transported through  
58 or within the state by truck of high-level radioactive waste, transuranic  
59 radioactive waste[, or spent nuclear fuel [or highway route controlled quantity]  
60 shipments. All casks of high-level radioactive waste, transuranic radioactive  
61 waste[, or spent nuclear fuel[, or highway route controlled quantity] shipments  
62 transported by truck are subject to a surcharge of twenty-five dollars per mile for  
63 every mile over two hundred miles traveled within the state;

64 (2) One thousand three hundred dollars for the first cask and one hundred  
65 twenty-five dollars for each additional cask for each rail shipment through or  
66 within the state of high-level radioactive waste, transuranic radioactive waste,  
67 or spent nuclear fuel;

68 (3) One hundred twenty-five dollars for each truck or train transporting  
69 low-level radioactive waste through or within the state. The department of  
70 natural resources may accept an annual shipment fee as negotiated with a  
71 shipper or accept payment per shipment.

72 3. All revenue generated from the fees established in subsection 2 of this  
73 section shall be deposited into the environmental radiation monitoring fund  
74 established in section 260.750 and shall be used by the department of natural  
75 resources to achieve the following objectives and for purposes related to the  
76 shipment of high-level radioactive waste, transuranic radioactive waste, highway  
77 route controlled quantity shipments, spent nuclear fuel, or low-level radioactive  
78 waste, including, but not limited to:

79 (1) Inspections, escorts, and security for waste shipment and planning;

80 (2) Coordination of emergency response capability;

81 (3) Education and training of state, county, and local emergency  
82 responders;

83 (4) Purchase and maintenance of necessary equipment and supplies for  
84 state, county, and local emergency responders through grants or other funding  
85 mechanisms;

86 (5) Emergency responses to any transportation incident involving the  
87 high-level radioactive waste, transuranic radioactive waste, highway route

88 controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste;  
89 (6) Oversight of any environmental remediation necessary resulting from  
90 an incident involving a shipment of high-level radioactive waste, transuranic  
91 radioactive waste, highway route controlled quantity shipments, spent nuclear  
92 fuel, or low-level radioactive waste. Reimbursement for oversight of any such  
93 incident shall not reduce or eliminate the liability of any party responsible for the  
94 incident; such party may be liable for full reimbursement to the state or payment  
95 of any other costs associated with the cleanup of contamination related to a  
96 transportation incident;

97 (7) Administrative costs attributable to the state agencies which are  
98 incurred through their involvement as it relates to the shipment of high-level  
99 radioactive waste, transuranic radioactive waste, highway route controlled  
100 quantity shipments, spent nuclear fuel, or low-level radioactive waste through or  
101 within the state.

102 4. Nothing in this section shall preclude any other state agency from  
103 receiving reimbursement from the department of natural resources and the  
104 environmental radiation monitoring fund for services rendered that achieve the  
105 objectives and comply with the provisions of this section.

106 5. Any unencumbered balance in the environmental radiation monitoring  
107 fund that exceeds three hundred thousand dollars in any given fiscal year shall  
108 be returned to shippers on a pro rata basis, based on the shipper's contribution  
109 into the environmental radiation monitoring fund for that fiscal year.

110 6. The department of natural resources, in coordination with the  
111 department of health and senior services and the department of public safety,  
112 may promulgate rules necessary to carry out the provisions of this section. Any  
113 rule or portion of a rule, as that term is defined in section 536.010, that is created  
114 under the authority delegated in this section shall become effective only if it  
115 complies with and is subject to all of the provisions of chapter 536 and, if  
116 applicable, section 536.028. This section and chapter 536 are nonseverable and  
117 if any of the powers vested with the general assembly pursuant to chapter 536 to  
118 review, to delay the effective date, or to disapprove and annul a rule are  
119 subsequently held unconstitutional, then the grant of rulemaking authority and  
120 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

121 7. All funds deposited in the environmental radiation monitoring fund  
122 through fees established in subsection 2 of this section shall be utilized, subject  
123 to appropriation by the general assembly, for the administration and enforcement

124 of this section by the department of natural resources. All interest earned by the  
125 moneys in the fund shall accrue to the fund.

126 8. All fees shall be paid to the department of natural resources [prior to]  
127 **following** shipment.

128 9. **(1)** Notice of any shipment of high-level radioactive waste, transuranic  
129 radioactive waste, highway route controlled quantity shipments, or spent nuclear  
130 fuel through or within the state shall be provided by the shipper to the governor's  
131 designee for advanced notification, as described in 10 CFR Parts 71 and 73, as  
132 amended, prior to such shipment entering the state. Notice of any shipment of  
133 low-level radioactive waste through or within the state shall be provided by the  
134 shipper to the Missouri department of natural resources before such shipment  
135 enters the state.

136 **(2) All vehicles and carriers transporting highway route**  
137 **controlled quantities of radioactive material are regulated by the**  
138 **United States Department of Transportation and required to pass the**  
139 **North American Standard Level VI Inspection for Transuranic Waste**  
140 **and Highway Route Controlled Quantities of Radioactive Material at**  
141 **the point of origin. If a highway route controlled quantity shipment of**  
142 **a material has been the subject of a point of origin level VI inspection**  
143 **and has passed the inspection, the shipment shall not otherwise be**  
144 **subject to an additional inspection unless such inspection is**  
145 **determined to be necessary at the discretion of state safety resources.**

146 10. Any shipper who fails to pay a fee assessed under this section, or fails  
147 to provide notice of a shipment, shall be liable in a civil action for an amount not  
148 to exceed ten times the amount assessed and not paid. The action shall be  
149 brought by the attorney general at the request of the department of natural  
150 resources. If the action involves a facility domiciled in the state, the action shall  
151 be brought in the circuit court of the county in which the facility is located. If the  
152 action does not involve a facility domiciled in the state, the action shall be  
153 brought in the circuit court of Cole County.

154 11. Beginning on December 31, 2009, and every two years thereafter, the  
155 department of natural resources shall prepare and submit a report on activities  
156 of the environmental radiation monitoring fund to the general assembly. This  
157 report shall include information on fee income received and expenditures made  
158 by the state to enforce and administer the provisions of this section.

159 12. The provisions of this section shall not apply to high-level radioactive

160 waste, transuranic radioactive waste, highway route controlled quantity  
161 shipments, spent nuclear fuel, or low-level radioactive waste shipped by or for the  
162 federal government for military or national defense purposes.

163 13. Under section 23.253 of the Missouri sunset act:

164 (1) The provisions of the new program authorized under this section shall  
165 automatically sunset six years after August 28, 2009, unless reauthorized by an  
166 act of the general assembly; and

167 (2) If such program is reauthorized, the program authorized under this  
168 section shall automatically sunset twelve years after the effective date of the  
169 reauthorization of this section; and

170 (3) This section shall terminate on September first of the calendar year  
171 immediately following the calendar year in which the program authorized under  
172 this section is sunset.

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120  
2 to 304.260, and sections 307.010 to 307.175, the following terms mean:

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used  
4 exclusively for off-highway use which is fifty inches or less in width, with an  
5 unladen dry weight of one thousand five hundred pounds or less, traveling on  
6 three, four or more nonhighway tires, with a seat designed to be straddled by the  
7 operator, or with a seat designed to carry more than one person, and handlebars  
8 for steering control;

9 (2) "Automobile transporter", any vehicle combination designed and used  
10 specifically for the transport of assembled motor vehicles;

11 (3) "Axle load", the total load transmitted to the road by all wheels whose  
12 centers are included between two parallel transverse vertical planes forty inches  
13 apart, extending across the full width of the vehicle;

14 (4) "Boat transporter", any vehicle combination designed and used  
15 specifically to transport assembled boats and boat hulls;

16 (5) "Body shop", a business that repairs physical damage on motor  
17 vehicles that are not owned by the shop or its officers or employees by mending,  
18 straightening, replacing body parts, or painting;

19 (6) "Bus", a motor vehicle primarily for the transportation of a driver and  
20 eight or more passengers but not including shuttle buses;

21 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used  
22 for carrying freight and merchandise, or more than eight passengers but not  
23 including vanpools or shuttle buses;



24 (8) "Cotton trailer", a trailer designed and used exclusively for  
25 transporting cotton at speeds less than forty miles per hour from field to field or  
26 from field to market and return;

27 (9) "Dealer", any person, firm, corporation, association, agent or subagent  
28 engaged in the sale or exchange of new, used or reconstructed motor vehicles or  
29 trailers;

30 (10) "Director" or "director of revenue", the director of the department of  
31 revenue;

32 (11) "Driveaway operation":

33 (a) The movement of a motor vehicle or trailer by any person or motor  
34 carrier other than a dealer over any public highway, under its own power singly,  
35 or in a fixed combination of two or more vehicles, for the purpose of delivery for  
36 sale or for delivery either before or after sale;

37 (b) The movement of any vehicle or vehicles, not owned by the transporter,  
38 constituting the commodity being transported, by a person engaged in the  
39 business of furnishing drivers and operators for the purpose of transporting  
40 vehicles in transit from one place to another by the driveaway or towaway  
41 methods; or

42 (c) The movement of a motor vehicle by any person who is lawfully  
43 engaged in the business of transporting or delivering vehicles that are not the  
44 person's own and vehicles of a type otherwise required to be registered, by the  
45 driveaway or towaway methods, from a point of manufacture, assembly or  
46 distribution or from the owner of the vehicles to a dealer or sales agent of a  
47 manufacturer or to any consignee designated by the shipper or consignor;

48 (12) "Dromedary", a box, deck, or plate mounted behind the cab and  
49 forward of the fifth wheel on the frame of the power unit of a truck  
50 tractor-semitrailer combination. A truck tractor equipped with a dromedary may  
51 carry part of a load when operating independently or in a combination with a  
52 semitrailer;

53 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

54 (14) "Fleet", any group of ten or more motor vehicles owned by the same  
55 owner;

56 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

57 (16) "Fullmount", a vehicle mounted completely on the frame of either the  
58 first or last vehicle in a saddlemount combination;

59 (17) "Gross weight", the weight of vehicle and/or vehicle combination

60 without load, plus the weight of any load thereon;

61 (18) "Hail-damaged vehicle", any vehicle, the body of which has become  
62 dented as the result of the impact of hail;

63 (19) "Highway", any public thoroughfare for vehicles, including state  
64 roads, county roads and public streets, avenues, boulevards, parkways or alleys  
65 in any municipality;

66 (20) "Improved highway", a highway which has been paved with gravel,  
67 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall  
68 have a hard, smooth surface;

69 (21) "Intersecting highway", any highway which joins another, whether  
70 or not it crosses the same;

71 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon  
72 the highways and has no resale value except as a source of parts or scrap, and  
73 shall not be titled or registered;

74 (23) "Kit vehicle", a motor vehicle assembled by a person other than a  
75 generally recognized manufacturer of motor vehicles by the use of a glider kit or  
76 replica purchased from an authorized manufacturer and accompanied by a  
77 manufacturer's statement of origin;

78 (24) "Land improvement contractors' commercial motor vehicle", any  
79 not-for-hire commercial motor vehicle the operation of which is confined to:

80 (a) An area that extends not more than a radius of one hundred miles  
81 from its home base of operations when transporting its owner's machinery,  
82 equipment, or auxiliary supplies to or from projects involving soil and water  
83 conservation, or to and from equipment dealers' maintenance facilities for  
84 maintenance purposes; or

85 (b) An area that extends not more than a radius of fifty miles from its  
86 home base of operations when transporting its owner's machinery, equipment, or  
87 auxiliary supplies to or from projects not involving soil and water  
88 conservation. Nothing in this subdivision shall be construed to prevent any motor  
89 vehicle from being registered as a commercial motor vehicle or local commercial  
90 motor vehicle;

91 (25) "Local commercial motor vehicle", a commercial motor vehicle whose  
92 operations are confined solely to a municipality and that area extending not more  
93 than fifty miles therefrom, or a commercial motor vehicle whose property-carrying  
94 operations are confined solely to the transportation of property owned by any  
95 person who is the owner or operator of such vehicle to or from a farm owned by

96 such person or under the person's control by virtue of a landlord and tenant lease;  
97 provided that any such property transported to any such farm is for use in the  
98 operation of such farm;

99 (26) "Local log truck", a commercial motor vehicle which is registered  
100 pursuant to this chapter to operate as a motor vehicle on the public highways of  
101 this state, used exclusively in this state, used to transport harvested forest  
102 products, operated solely at a forested site and in an area extending not more  
103 than a one hundred-mile radius from such site, carries a load with dimensions not  
104 in excess of twenty-five cubic yards per two axles with dual wheels, and when  
105 operated on the national system of interstate and defense highways described in  
106 Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed  
107 the weight limits of section 304.180, does not have more than four axles, and does  
108 not pull a trailer which has more than two axles. Harvesting equipment which  
109 is used specifically for cutting, felling, trimming, delimbing, debarking, chipping,  
110 skidding, loading, unloading, and stacking may be transported on a local log  
111 truck. A local log truck may not exceed the limits required by law, however, if  
112 the truck does exceed such limits as determined by the inspecting officer, then  
113 notwithstanding any other provisions of law to the contrary, such truck shall be  
114 subject to the weight limits required by such sections as licensed for eighty  
115 thousand pounds;

116 (27) "Local log truck tractor", a commercial motor vehicle which is  
117 registered under this chapter to operate as a motor vehicle on the public  
118 highways of this state, used exclusively in this state, used to transport harvested  
119 forest products, operated solely at a forested site and in an area extending not  
120 more than a one hundred-mile radius from such site, operates with a weight not  
121 exceeding twenty-two thousand four hundred pounds on one axle or with a weight  
122 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and  
123 when operated on the national system of interstate and defense highways  
124 described in Title 23, Section 103(e) of the United States Code, such vehicle does  
125 not exceed the weight limits contained in section 304.180, and does not have more  
126 than three axles and does not pull a trailer which has more than two  
127 axles. Violations of axle weight limitations shall be subject to the load limit  
128 penalty as described for in sections 304.180 to 304.220;

129 (28) "Local transit bus", a bus whose operations are confined wholly  
130 within a municipal corporation, or wholly within a municipal corporation and a  
131 commercial zone, as defined in section 390.020, adjacent thereto, forming a part

132 of a public transportation system within such municipal corporation and such  
133 municipal corporation and adjacent commercial zone;

134 (29) "Log truck", a vehicle which is not a local log truck or local log truck  
135 tractor and is used exclusively to transport harvested forest products to and from  
136 forested sites which is registered pursuant to this chapter to operate as a motor  
137 vehicle on the public highways of this state for the transportation of harvested  
138 forest products;

139 (30) "Major component parts", the rear clip, cowl, frame, body, cab,  
140 front-end assembly, and front clip, as those terms are defined by the director of  
141 revenue pursuant to rules and regulations or by illustrations;

142 (31) "Manufacturer", any person, firm, corporation or association engaged  
143 in the business of manufacturing or assembling motor vehicles, trailers or vessels  
144 for sale;

145 (32) ["Mobile scrap processor", a business located in Missouri or any other  
146 state that comes onto a salvage site and crushes motor vehicles and parts for  
147 transportation to a shredder or scrap metal operator for recycling;

148 (33)] "Motor change vehicle", a vehicle manufactured prior to August,  
149 1957, which receives a new, rebuilt or used engine, and which used the number  
150 stamped on the original engine as the vehicle identification number;

151 [(34)] **(33)** "Motor vehicle", any self-propelled vehicle not operated  
152 exclusively upon tracks, except farm tractors;

153 [(35)] **(34)** "Motor vehicle primarily for business use", any vehicle other  
154 than a recreational motor vehicle, motorcycle, motortricycle, or any commercial  
155 motor vehicle licensed for over twelve thousand pounds:

156 (a) Offered for hire or lease; or

157 (b) The owner of which also owns ten or more such motor vehicles;

158 [(36)] **(35)** "Motorcycle", a motor vehicle operated on two wheels;

159 [(37)] **(36)** "Motorized bicycle", any two-wheeled or three-wheeled device  
160 having an automatic transmission and a motor with a cylinder capacity of not  
161 more than fifty cubic centimeters, which produces less than three gross brake  
162 horsepower, and is capable of propelling the device at a maximum speed of not  
163 more than thirty miles per hour on level ground;

164 [(38)] **(37)** "Motortricycle", a motor vehicle operated on three wheels,  
165 including a motorcycle while operated with any conveyance, temporary or  
166 otherwise, requiring the use of a third wheel. A motortricycle shall not be  
167 included in the definition of all-terrain vehicle;

168           [(39)] **(38)** "Municipality", any city, town or village, whether incorporated  
169 or not;

170           [(40)] **(39)** "Nonresident", a resident of a state or country other than the  
171 state of Missouri;

172           [(41)] **(40)** "Non-USA-std motor vehicle", a motor vehicle not originally  
173 manufactured in compliance with United States emissions or safety standards;

174           [(42)] **(41)** "Operator", any person who operates or drives a motor vehicle;

175           [(43)] **(42)** "Owner", any person, firm, corporation or association, who  
176 holds the legal title to a vehicle or in the event a vehicle is the subject of an  
177 agreement for the conditional sale or lease thereof with the right of purchase  
178 upon performance of the conditions stated in the agreement and with an  
179 immediate right of possession vested in the conditional vendee or lessee, or in the  
180 event a mortgagor of a vehicle is entitled to possession, then such conditional  
181 vendee or lessee or mortgagor shall be deemed the owner for the purpose of this  
182 law;

183           [(44)] **(43)** "Public garage", a place of business where motor vehicles are  
184 housed, stored, repaired, reconstructed or repainted for persons other than the  
185 owners or operators of such place of business;

186           [(45)] **(44)** "Rebuilder", a business that repairs or rebuilds motor vehicles  
187 owned by the rebuilder, but does not include certificated common or contract  
188 carriers of persons or property;

189           [(46)] **(45)** "Reconstructed motor vehicle", a vehicle that is altered from  
190 its original construction by the addition or substitution of two or more new or  
191 used major component parts, excluding motor vehicles made from all new parts,  
192 and new multistage manufactured vehicles;

193           [(47)] **(46)** "Recreational motor vehicle", any motor vehicle designed,  
194 constructed or substantially modified so that it may be used and is used for the  
195 purposes of temporary housing quarters, including therein sleeping and eating  
196 facilities which are either permanently attached to the motor vehicle or attached  
197 to a unit which is securely attached to the motor vehicle. Nothing herein shall  
198 prevent any motor vehicle from being registered as a commercial motor vehicle  
199 if the motor vehicle could otherwise be so registered;

200           [(48)] **(47)** "Recreational off-highway vehicle", any motorized vehicle  
201 manufactured and used exclusively for off-highway use which is [sixty] **sixty-**  
202 **four** inches or less in width, with an unladen dry weight of [one] **two** thousand  
203 [eight hundred fifty] pounds or less, traveling on four or more nonhighway tires,

204 with a nonstraddle seat, and steering wheel, which may have access to ATV  
205 trails;

206       [(49)] **(48)** "Rollback or car carrier", any vehicle specifically designed to  
207 transport wrecked, disabled or otherwise inoperable vehicles, when the  
208 transportation is directly connected to a wrecker or towing service;

209       [(50)] **(49)** "Saddlemount combination", a combination of vehicles in  
210 which a truck or truck tractor tows one or more trucks or truck tractors, each  
211 connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The  
212 "saddle" is a mechanism that connects the front axle of the towed vehicle to the  
213 frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin  
214 connection. When two vehicles are towed in this manner the combination is  
215 called a "double saddlemount combination". When three vehicles are towed in  
216 this manner, the combination is called a "triple saddlemount combination";

217       [(51)] **(50)** "Salvage dealer and dismantler", a business that dismantles  
218 used motor vehicles for the sale of the parts thereof, and buys and sells used  
219 motor vehicle parts and accessories;

220       [(52)] **(51)** "Salvage vehicle", a motor vehicle, semitrailer, or house trailer  
221 which:

222       (a) Was damaged during a year that is no more than six years after the  
223 manufacturer's model year designation for such vehicle to the extent that the  
224 total cost of repairs to rebuild or reconstruct the vehicle to its condition  
225 immediately before it was damaged for legal operation on the roads or highways  
226 exceeds eighty percent of the fair market value of the vehicle immediately  
227 preceding the time it was damaged;

228       (b) By reason of condition or circumstance, has been declared salvage,  
229 either by its owner, or by a person, firm, corporation, or other legal entity  
230 exercising the right of security interest in it;

231       (c) Has been declared salvage by an insurance company as a result of  
232 settlement of a claim;

233       (d) Ownership of which is evidenced by a salvage title; or

234       (e) Is abandoned property which is titled pursuant to section 304.155 or  
235 section 304.157 and designated with the words "salvage/abandoned  
236 property". The total cost of repairs to rebuild or reconstruct the vehicle shall not  
237 include the cost of repairing, replacing, or reinstalling inflatable safety restraints,  
238 tires, sound systems, or damage as a result of hail, or any sales tax on parts or  
239 materials to rebuild or reconstruct the vehicle. For purposes of this definition,

240 "fair market value" means the retail value of a motor vehicle as:

241           a. Set forth in a current edition of any nationally recognized compilation  
242 of retail values, including automated databases, or from publications commonly  
243 used by the automotive and insurance industries to establish the values of motor  
244 vehicles;

245           b. Determined pursuant to a market survey of comparable vehicles with  
246 regard to condition and equipment; and

247           c. Determined by an insurance company using any other procedure  
248 recognized by the insurance industry, including market surveys, that is applied  
249 by the company in a uniform manner;

250           [(53)] **(52)** "School bus", any motor vehicle used solely to transport  
251 students to or from school or to transport students to or from any place for  
252 educational purposes;

253           [(54)] **(53)** "Scrap processor", a business that, through the use of  
254 fixed or mobile equipment, flattens, crushes, or otherwise accepts  
255 motor vehicles and vehicle parts for processing or transportation to a  
256 shredder or scrap metal operator for recycling;

257           **(54)** "Shuttle bus", a motor vehicle used or maintained by any person,  
258 firm, or corporation as an incidental service to transport patrons or customers of  
259 the regular business of such person, firm, or corporation to and from the place of  
260 business of the person, firm, or corporation providing the service at no fee or  
261 charge. Shuttle buses shall not be registered as buses or as commercial motor  
262 vehicles;

263           (55) "Special mobile equipment", every self-propelled vehicle not designed  
264 or used primarily for the transportation of persons or property and incidentally  
265 operated or moved over the highways, including farm equipment, implements of  
266 husbandry, road construction or maintenance machinery, ditch-digging apparatus,  
267 stone crushers, air compressors, power shovels, cranes, graders, rollers,  
268 well-drillers and wood-sawing equipment used for hire, asphalt spreaders,  
269 bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,  
270 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag  
271 lines, concrete pump trucks, rock-drilling and earth-moving equipment. This  
272 enumeration shall be deemed partial and shall not operate to exclude other such  
273 vehicles which are within the general terms of this section;

274           (56) "Specially constructed motor vehicle", a motor vehicle which shall not  
275 have been originally constructed under a distinctive name, make, model or type

276 by a manufacturer of motor vehicles. The term specially constructed motor  
277 vehicle includes kit vehicles;

278 (57) "Stinger-steered combination", a truck tractor-semitrailer wherein the  
279 fifth wheel is located on a drop frame located behind and below the rearmost axle  
280 of the power unit;

281 (58) "Tandem axle", a group of two or more axles, arranged one behind  
282 another, the distance between the extremes of which is more than forty inches  
283 and not more than ninety-six inches apart;

284 (59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor  
285 vehicle designed for drawing other vehicles, but not for the carriage of any load  
286 when operating independently. When attached to a semitrailer, it supports a part  
287 of the weight thereof;

288 (60) "Trailer", any vehicle without motive power designed for carrying  
289 property or passengers on its own structure and for being drawn by a  
290 self-propelled vehicle, except those running exclusively on tracks, including a  
291 semitrailer or vehicle of the trailer type so designed and used in conjunction with  
292 a self-propelled vehicle that a considerable part of its own weight rests upon and  
293 is carried by the towing vehicle. The term "trailer" shall not include cotton  
294 trailers as defined in subdivision (8) of this section and shall not include  
295 manufactured homes as defined in section 700.010;

296 (61) "Truck", a motor vehicle designed, used, or maintained for the  
297 transportation of property;

298 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in  
299 which the two trailing units are connected with a B-train assembly which is a  
300 rigid frame extension attached to the rear frame of a first semitrailer which  
301 allows for a fifth-wheel connection point for the second semitrailer and has one  
302 less articulation point than the conventional A-dolly connected truck-tractor  
303 semitrailer-trailer combination;

304 (63) "Truck-trailer boat transporter combination", a boat transporter  
305 combination consisting of a straight truck towing a trailer using typically a ball  
306 and socket connection with the trailer axle located substantially at the trailer  
307 center of gravity rather than the rear of the trailer but so as to maintain a  
308 downward force on the trailer tongue;

309 (64) "Used parts dealer", a business that buys and sells used motor vehicle  
310 parts or accessories, but not including a business that sells only new,  
311 remanufactured or rebuilt parts. "Business" does not include isolated sales at a



312 swap meet of less than three days;

313 (65) "Utility vehicle", any motorized vehicle manufactured and used  
314 exclusively for off-highway use which is sixty-three inches or less in width, with  
315 an unladen dry weight of one thousand eight hundred fifty pounds or less,  
316 traveling on four or six wheels, to be used primarily for landscaping, lawn care,  
317 or maintenance purposes;

318 (66) "Vanpool", any van or other motor vehicle used or maintained by any  
319 person, group, firm, corporation, association, city, county or state agency, or any  
320 member thereof, for the transportation of not less than eight nor more than  
321 forty-eight employees, per motor vehicle, to and from their place of employment;  
322 however, a vanpool shall not be included in the definition of the term bus or  
323 commercial motor vehicle as defined by subdivisions (6) and (7) of this section,  
324 nor shall a vanpool driver be deemed a chauffeur as that term is defined by  
325 section [302.010] **303.020**; nor shall use of a vanpool vehicle for ride-sharing  
326 arrangements, recreational, personal, or maintenance uses constitute an  
327 unlicensed use of the motor vehicle, unless used for monetary profit other than  
328 for use in a ride-sharing arrangement;

329 (67) "Vehicle", any mechanical device on wheels, designed primarily for  
330 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn  
331 by horses or human power, or vehicles used exclusively on fixed rails or tracks,  
332 or cotton trailers or motorized wheelchairs operated by handicapped persons;

333 (68) "Wrecker" or "tow truck", any emergency commercial vehicle  
334 equipped, designed and used to assist or render aid and transport or tow disabled  
335 or wrecked vehicles from a highway, road, street or highway rights-of-way to a  
336 point of storage or repair, including towing a replacement vehicle to replace a  
337 disabled or wrecked vehicle;

338 (69) "Wrecker or towing service", the act of transporting, towing or  
339 recovering with a wrecker, tow truck, rollback or car carrier any vehicle not  
340 owned by the operator of the wrecker, tow truck, rollback or car carrier for which  
341 the operator directly or indirectly receives compensation or other personal gain.

301.032. 1. Notwithstanding the provisions of sections 301.030 and  
2 301.035 to the contrary, the director of revenue shall establish a system of  
3 registration of all fleet vehicles owned or purchased by a fleet owner registered  
4 pursuant to this section. The director of revenue shall prescribe the forms for  
5 such fleet registration and the forms and procedures for the registration updates  
6 prescribed in this section. Any owner of ten or more motor vehicles which must

7 be registered in accordance with this chapter may register as a fleet owner. All  
8 registered fleet owners may, at their option, register all motor vehicles included  
9 in the fleet on a calendar year or biennial basis pursuant to this section in lieu  
10 of the registration periods provided in sections 301.030, 301.035, and  
11 301.147. The director shall issue an identification number to each registered  
12 owner of fleet vehicles.

13       2. All fleet vehicles included in the fleet of a registered fleet owner shall  
14 be registered during April [each year] **of the corresponding year** or on a  
15 prorated basis as provided in subsection 3 of this section. Fees of all vehicles in  
16 the fleet to be registered on a calendar year basis or on a biennial basis shall be  
17 payable not later than the last day of April of [each year] **the corresponding**  
18 **year**, with two years' fees due for biennially-registered  
19 vehicles. Notwithstanding the provisions of section 307.355, an application for  
20 registration of a fleet vehicle must be accompanied by a certificate of inspection  
21 and approval issued no more than one hundred twenty days prior to the date of  
22 application. The fees for vehicles added to the fleet which must be licensed at the  
23 time of registration shall be payable at the time of registration, except that when  
24 such vehicle is licensed between July first and September thirtieth the fee shall  
25 be three-fourths the annual fee, when licensed between October first and  
26 December thirty-first the fee shall be one-half the annual fee and when licensed  
27 on or after January first the fee shall be one-fourth the annual fee. When  
28 biennial registration is sought for vehicles added to a fleet, an additional year's  
29 annual fee will be added to the partial year's prorated fee.

30       3. At any time during the calendar year in which an owner of a fleet  
31 purchases or otherwise acquires a vehicle which is to be added to the fleet or  
32 transfers plates to a fleet vehicle, the owner shall present to the director of  
33 revenue the identification number as a fleet number and may register the vehicle  
34 for the partial year as provided in subsection 2 of this section. The fleet owner  
35 shall also be charged a transfer fee of two dollars for each vehicle so transferred  
36 pursuant to this subsection.

37       4. Except as specifically provided in this subsection, all fleet vehicles  
38 registered pursuant to this section shall be issued a special license plate which  
39 shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the  
40 manner prescribed by the advisory committee established in section  
41 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee  
42 beyond the regular registration fee, [owners of] **a fleet owner of at least**

43 **fifty** fleet vehicles may apply for fleet license plates bearing a company name or  
44 logo, **the size and design thereof subject to approval by the director.** All  
45 fleet license plates shall be made with fully reflective material with a common  
46 color scheme and design, shall be clearly visible at night, and shall be  
47 aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be  
48 issued multiyear license plates as provided in this section which shall not require  
49 issuance of a renewal tab. Upon payment of appropriate registration fees, the  
50 director of revenue shall issue a registration certificate or other suitable evidence  
51 of payment of the annual or biennial fee, and such evidence of payment shall be  
52 carried at all times in the vehicle for which it is issued. The director of revenue  
53 shall promulgate rules and regulations establishing the procedure for application  
54 and issuance of fleet vehicle license plates.

55         5. Notwithstanding the provisions of sections 307.350 to 307.390 to the  
56 contrary, a fleet vehicle registered in Missouri is exempt from the requirements  
57 of sections 307.350 to 307.390 if at the time of the annual fleet registration, such  
58 fleet vehicle is situated outside the state of Missouri.

301.069. 1. A driveaway license plate may not be used on a vehicle used  
2 or operated on a highway except for the purpose of transporting vehicles in  
3 transit. Driveaway license plates may not be used by tow truck operators  
4 transporting wrecked, disabled, abandoned, improperly parked, or burned  
5 vehicles. **Driveaway license plates shall only be used by owners,**  
6 **corporate officers, or employees of the business to which the plate was**  
7 **issued.** For each driveaway license there shall be paid an annual license fee of  
8 forty-four dollars and fifty cents for one set of plates or such insignia as the  
9 director may issue which shall be attached to the motor vehicle as prescribed in  
10 this chapter. Applicants may choose to obtain biennial driveaway licenses. The  
11 fee for biennial driveaway licenses shall be eighty-nine dollars. For single trips  
12 the fee shall be four dollars, and descriptive insignia shall be prepared and issued  
13 at the discretion of the director who shall also prescribe the type of equipment  
14 used to attach such vehicles in combinations.

15         2. **No driveaway license plates shall be issued by the director of**  
16 **revenue unless the applicant therefor shall make application for such**  
17 **plate and shall therein include:**

18             (1) **The business name, business street address, and business**  
19 **telephone number of the applicant;**

20             (2) **The business owner's full name, date of birth, driver's license**

21 number or nondriver's license number, residence street address, and  
22 residence telephone number;

23 (3) The signature and printed name of the business owner or  
24 authorized representative of the business presenting such application;  
25 and

26 (4) A statement explaining what the driveaway license plate or  
27 plates will be used for. The applicant shall provide certification of  
28 proof of financial responsibility, as defined in section 303.020, sufficient  
29 to cover each motor vehicle the applicant shall operate or otherwise  
30 move on the streets or highways, through use of the driveaway license  
31 plate, during the period of registration. The applicant shall provide  
32 such certification by affixing a copy of said certification to the  
33 application. The application shall include a photograph, not to exceed  
34 eight inches by ten inches but no less than five inches by seven inches,  
35 showing the business building and sign of the applicant's business. The  
36 applicant shall maintain a working, landline telephone at the  
37 applicant's place of business throughout the registration period. The  
38 applicant shall maintain certification of proof of financial  
39 responsibility as described herein throughout the registration period.

40 3. If any of the information required by this section to be  
41 reported by the applicant changes during the registration period, the  
42 applicant shall report said changes to the department of revenue  
43 within ten days of the date of the change.

44 4. Any violation of this section or misrepresentation contained  
45 in an application for driveaway license plate shall result in the  
46 revocation of the applicant's driveaway license plate and any  
47 subsequent application for a driveaway license plate shall be denied for  
48 two years from the date of violation. "Applicant" shall include any  
49 officer of a business or any employee or agent thereof.

50 5. Any person who knowingly uses a revoked driveaway license  
51 plate shall be deemed guilty of a class A misdemeanor.

301.216. Department investigators licensed as peace officers by  
2 the director of the department of public safety under chapter 590 shall  
3 be deemed to be peace officers within the state of Missouri while acting  
4 in an investigation to enforce the provisions of this chapter and any  
5 provisions regarding fees, licenses, or taxes administered by the  
6 director. The power of arrest of a department investigator acting as a

7 **peace officer shall be limited to offenses involving fees, licenses, taxes,**  
8 **or in situations of imminent danger to the investigator or another**  
9 **person.**

301.218. 1. No person shall, except as an incident to the sale, repair,  
2 rebuilding or servicing of vehicles by a licensed franchised motor vehicle dealer,  
3 carry on or conduct the following business unless licensed to do so by the  
4 department of revenue under sections 301.217 to 301.229:

5 (1) Selling used parts of or used accessories for vehicles as a used parts  
6 dealer, as defined in section 301.010;

7 (2) Salvaging, wrecking or dismantling vehicles for resale of the parts  
8 thereof as a salvage dealer or dismantler, as defined in section 301.010;

9 (3) Rebuilding and repairing four or more wrecked or dismantled vehicles  
10 in a calendar year as a rebuilder or body shop, as defined in section 301.010;

11 (4) Processing scrapped vehicles or vehicle parts as a [mobile] scrap  
12 processor, as defined in section 301.010.

13 2. Sales at a salvage pool or a salvage disposal sale shall be open only to  
14 and made to persons actually engaged in and holding a current license under  
15 sections 301.217 to 301.221 and 301.550 to 301.573 or any person from another  
16 state or jurisdiction who is legally allowed in his or her state of domicile to  
17 purchase for resale, rebuild, dismantle, crush, or scrap either motor vehicles or  
18 salvage vehicles, and to persons who reside in a foreign country that are  
19 purchasing salvage vehicles for export outside of the United States. Operators  
20 of salvage pools or salvage disposal sales shall keep a record, for three years, of  
21 sales of salvage vehicles with the purchasers' name and address, and the year,  
22 make, and vehicle identification number for each vehicle. These records shall be  
23 open for inspection as provided in section 301.225. Such records shall be  
24 submitted to the department on a quarterly basis.

25 3. The operator of a salvage pool or salvage disposal sale, or subsequent  
26 purchaser, who sells a nonrepairable motor vehicle or a salvage motor vehicle to  
27 a person who is not a resident of the United States at a salvage pool or a salvage  
28 disposal sale shall:

29 (1) Stamp on the face of the title so as not to obscure any name, date, or  
30 mileage statement on the title the words "FOR EXPORT ONLY" in capital letters  
31 that are black; and

32 (2) Stamp in each unused reassignment space on the back of the title the  
33 words "FOR EXPORT ONLY" and print the number of the dealer's salvage vehicle

34 license, name of the salvage pool, or the name of the governmental entity, as  
35 applicable. The words "FOR EXPORT ONLY" required under subdivisions (1) and  
36 (2) of this subsection shall be at least two inches wide and clearly legible. Copies  
37 of the stamped titles shall be forwarded to the department.

38 4. The director of revenue shall issue a separate license for each kind of  
39 business described in subsection 1 of this section, to be entitled and designated  
40 as either "used parts dealer"; "salvage dealer or dismantler"; "rebuilder or body  
41 shop"; or "[mobile] scrap processor" license.

301.280. 1. Every motor vehicle dealer and boat dealer shall make a  
2 monthly report to the department of revenue, on blanks to be prescribed by the  
3 department of revenue, giving the following information: date of the sale of each  
4 motor vehicle, boat, trailer and all-terrain vehicle sold; the name and address of  
5 the buyer; the name of the manufacturer; year of manufacture; model of vehicle;  
6 vehicle identification number; style of vehicle; odometer setting; and it shall also  
7 state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or  
8 secondhand. Each monthly sales report filed by a motor vehicle dealer who  
9 collects sales tax under subsection 8 of section 144.070 shall also include the  
10 amount of state and local sales tax collected for each motor vehicle sold if sales  
11 tax was due. The odometer reading is not required when reporting the sale of  
12 any motor vehicle that is ten years old or older, any motor vehicle having a gross  
13 vehicle weight rating of more than sixteen thousand pounds, new vehicles that  
14 are transferred on a manufacturer's statement of origin between one franchised  
15 motor vehicle dealer and another, or boats, all-terrain vehicles or trailers. The  
16 sale of all thirty-day temporary permits, without exception, shall be recorded in  
17 the appropriate space on the dealer's monthly sales report by recording the  
18 complete permit number issued on the motor vehicle or trailer sale listed. The  
19 monthly sales report shall be completed in full and signed by an officer, partner,  
20 or owner of the dealership, and actually received by the department of revenue  
21 on or before the fifteenth day of the month succeeding the month for which the  
22 sales are being reported. If no sales occur in any given month, a report shall be  
23 submitted for that month indicating no sales. Any vehicle dealer who fails to file  
24 a monthly report or who fails to file a timely report shall be subject to  
25 disciplinary action as prescribed in section 301.562 or a penalty assessed by the  
26 director not to exceed three hundred dollars per violation. Every motor vehicle  
27 and boat dealer shall retain copies of the monthly sales report as part of the  
28 records to be maintained at the dealership location and shall hold them available

29 for inspection by appropriate law enforcement officials and officials of the  
30 department of revenue. Every vehicle dealer selling twenty or more vehicles a  
31 month shall file the monthly sales report with the department in an electronic  
32 format. Any dealer filing a monthly sales report in an electronic format shall be  
33 exempt from filing the notice of transfer required by section 301.196. For any  
34 dealer not filing electronically, the notice of transfer required by section 301.196  
35 shall be submitted with the monthly sales report as prescribed by the director.

36       2. Every dealer and every person operating a public garage shall keep a  
37 correct record of the vehicle identification number, odometer setting,  
38 manufacturer's name of all motor vehicles or trailers accepted by him for the  
39 purpose of sale, rental, storage, repair or repainting, together with the name and  
40 address of the person delivering such motor vehicle or trailer to the dealer or  
41 public garage keeper, and the person delivering such motor vehicle or trailer shall  
42 record such information in a file kept by the dealer or garage keeper. The record  
43 shall be kept for ~~[three]~~ **five** years and be open for inspection by law enforcement  
44 officials, members or authorized or designated employees of the Missouri highway  
45 patrol, and persons, agencies and officials designated by the director of revenue.

46       3. Every dealer and every person operating a public garage in which a  
47 motor vehicle remains unclaimed for a period of fifteen days shall, within five  
48 days after the expiration of that period, report the motor vehicle as unclaimed to  
49 the director of revenue. Such report shall be on a form prescribed by the director  
50 of revenue. A motor vehicle left by its owner whose name and address are known  
51 to the dealer or his employee or person operating a public garage or his employee  
52 is not considered unclaimed. Any dealer or person operating a public garage who  
53 fails to report a motor vehicle as unclaimed as herein required forfeits all claims  
54 and liens for its garaging, parking or storing.

55       4. The director of revenue shall maintain appropriately indexed  
56 cumulative records of unclaimed vehicles reported to the director. Such records  
57 shall be kept open to public inspection during reasonable business hours.

58       5. The alteration or obliteration of the vehicle identification number on  
59 any such motor vehicle shall be prima facie evidence of larceny, and the dealer  
60 or person operating such public garage shall upon the discovery of such  
61 obliteration or alteration immediately notify the highway patrol, sheriff, marshal,  
62 constable or chief of police of the municipality where the dealer or garage keeper  
63 has his place of business, and shall hold such motor vehicle or trailer for a period  
64 of forty-eight hours for the purpose of an investigation by the officer so notified.

65           **6. Any person who knowingly makes a false statement or**  
66   **omission of a material fact in a monthly sales report to the department**  
67   **of revenue, as described in subsection 1 of this section, shall be deemed**  
68   **guilty of a class A misdemeanor.**

          301.559. 1. It shall be unlawful for any person to engage in business as  
2   or act as a motor vehicle dealer, boat dealer, manufacturer, boat manufacturer,  
3   public motor vehicle auction, wholesale motor vehicle auction or wholesale motor  
4   vehicle dealer without first obtaining a license from the department as required  
5   in sections 301.550 to 301.573. Any person who maintains or operates any  
6   business wherein a license is required pursuant to the provisions of sections  
7   301.550 to 301.573, without such license, is guilty of a class A misdemeanor. Any  
8   person committing a second violation of sections 301.550 to 301.573 shall be  
9   guilty of a class D felony.

10           2. All dealer licenses shall expire on December thirty-first of [each year]  
11   **the designated license period.** The department shall notify each person  
12   licensed under sections 301.550 to 301.573 of the date of license expiration and  
13   the amount of the fee required for renewal. The notice shall be mailed at least  
14   ninety days before the date of license expiration to the licensee's last known  
15   business address. **The director shall have the authority to issue licenses**  
16   **valid for a period of up to two years and to stagger the license periods**  
17   **for administrative efficiency and equalization of workload, at the sole**  
18   **discretion of the director.**

19           3. Every manufacturer, boat manufacturer, motor vehicle dealer,  
20   wholesale motor vehicle dealer, wholesale motor vehicle auction, boat dealer or  
21   public motor vehicle auction shall make application to the department for  
22   issuance of a license. The application shall be on forms prescribed by the  
23   department and shall be issued under the terms and provisions of sections  
24   301.550 to 301.573 and require all applicants, as a condition precedent to the  
25   issuance of a license, to provide such information as the department may deem  
26   necessary to determine that the applicant is bona fide and of good moral  
27   character, except that every application for a license shall contain, in addition to  
28   such information as the department may require, a statement to the following  
29   facts:

30           (1) The name and business address, not a post office box, of the applicant  
31   and the fictitious name, if any, under which he intends to conduct his business;  
32   and if the applicant be a partnership, the name and residence address of each



33 partner, an indication of whether the partner is a limited or general partner and  
34 the name under which the partnership business is to be conducted. In the event  
35 that the applicant is a corporation, the application shall list the names of the  
36 principal officers of the corporation and the state in which it is  
37 incorporated. Each application shall be verified by the oath or affirmation of the  
38 applicant, if an individual, or in the event an applicant is a partnership or  
39 corporation, then by a partner or officer;

40 (2) Whether the application is being made for registration as a  
41 manufacturer, boat manufacturer, new motor vehicle franchise dealer, used motor  
42 vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor  
43 vehicle auction or a public motor vehicle auction;

44 (3) When the application is for a new motor vehicle franchise dealer, the  
45 application shall be accompanied by a copy of the franchise agreement in the  
46 registered name of the dealership setting out the appointment of the applicant as  
47 a franchise holder and it shall be signed by the manufacturer, or his authorized  
48 agent, or the distributor, or his authorized agent, and shall include a description  
49 of the make of all motor vehicles covered by the franchise. The department shall  
50 not require a copy of the franchise agreement to be submitted with each renewal  
51 application unless the applicant is now the holder of a franchise from a different  
52 manufacturer or distributor from that previously filed, or unless a new term of  
53 agreement has been entered into;

54 (4) When the application is for a public motor vehicle auction, that the  
55 public motor vehicle auction has met the requirements of section 301.561.

56 4. No insurance company, finance company, credit union, savings and loan  
57 association, bank or trust company shall be required to obtain a license from the  
58 department in order to sell any motor vehicle, trailer or vessel repossessed or  
59 purchased by the company on the basis of total destruction or theft thereof when  
60 the sale of the motor vehicle, trailer or vessel is in conformance with applicable  
61 title and registration laws of this state.

62 5. No person shall be issued a license to conduct a public motor vehicle  
63 auction or wholesale motor vehicle auction if such person has a violation of  
64 sections 301.550 to 301.573 or other violations of chapter 301, sections 407.511  
65 to 407.556, or section 578.120 which resulted in a felony conviction or finding of  
66 guilt or a violation of any federal motor vehicle laws which resulted in a felony  
67 conviction or finding of guilt.

301.560. 1. In addition to the application forms prescribed by the

2 department, each applicant shall submit the following to the department:

3 (1) Every application other than a renewal application for a motor vehicle  
4 franchise dealer shall include a certification that the applicant has a bona fide  
5 established place of business. Such application shall include an annual  
6 certification that the applicant has a bona fide established place of business for  
7 the first three years and only for every other year thereafter. The certification  
8 shall be performed by a uniformed member of the Missouri state highway patrol  
9 or authorized or designated employee stationed in the troop area in which the  
10 applicant's place of business is located; except that in counties of the first  
11 classification, certification may be performed by an officer of a metropolitan police  
12 department when the applicant's established place of business of distributing or  
13 selling motor vehicles or trailers is in the metropolitan area where the certifying  
14 metropolitan police officer is employed. When the application is being made for  
15 licensure as a boat manufacturer or boat dealer, certification shall be performed  
16 by a uniformed member of the Missouri state water patrol stationed in the  
17 district area in which the applicant's place of business is located or by a  
18 uniformed member of the Missouri state highway patrol stationed in the troop  
19 area in which the applicant's place of business is located or, if the applicant's  
20 place of business is located within the jurisdiction of a metropolitan police  
21 department in a first class county, by an officer of such metropolitan police  
22 department. A bona fide established place of business for any new motor vehicle  
23 franchise dealer, used motor vehicle dealer, boat dealer, powersport dealer,  
24 wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction shall  
25 be a permanent enclosed building or structure, either owned in fee or leased and  
26 actually occupied as a place of business by the applicant for the selling, bartering,  
27 trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or  
28 trailers and wherein the public may contact the owner or operator at any  
29 reasonable time, and wherein shall be kept and maintained the books, records,  
30 files and other matters required and necessary to conduct the business. The  
31 applicant's place of business shall contain a working telephone which shall be  
32 maintained during the entire registration year. In order to qualify as a bona fide  
33 established place of business for all applicants licensed pursuant to this section  
34 there shall be an exterior sign displayed carrying the name of the business set  
35 forth in letters at least six inches in height and clearly visible to the public and  
36 there shall be an area or lot which shall not be a public street on which multiple  
37 vehicles, boats, personal watercraft, or trailers may be displayed. The sign shall

38 contain the name of the dealership by which it is known to the public through  
39 advertising or otherwise, which need not be identical to the name appearing on  
40 the dealership's license so long as such name is registered as a fictitious name  
41 with the secretary of state, has been approved by its line-make manufacturer in  
42 writing in the case of a new motor vehicle franchise dealer and a copy of such  
43 fictitious name registration has been provided to the department. Dealers who  
44 sell only emergency vehicles as defined in section 301.550 are exempt from  
45 maintaining a bona fide place of business, including the related law enforcement  
46 certification requirements, and from meeting the minimum yearly sales;

47 (2) The initial application for licensure shall include a photograph, not to  
48 exceed eight inches by ten inches but no less than five inches by seven inches,  
49 showing the business building, lot, and sign. A new motor vehicle franchise  
50 dealer applicant who has purchased a currently licensed new motor vehicle  
51 franchised dealership shall be allowed to submit a photograph of the existing  
52 dealership building, lot and sign but shall be required to submit a new  
53 photograph upon the installation of the new dealership sign as required by  
54 sections 301.550 to 301.573. Applicants shall not be required to submit a  
55 photograph annually unless the business has moved from its previously licensed  
56 location, or unless the name of the business or address has changed, or unless the  
57 class of business has changed;

58 (3) Every applicant as a new motor vehicle franchise dealer, a used motor  
59 vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer  
60 dealer, or boat dealer shall furnish with the application a corporate surety bond  
61 or an irrevocable letter of credit as defined in section [400.5-103] **400.5-102**,  
62 issued by any state or federal financial institution in the penal sum of twenty-five  
63 thousand dollars on a form approved by the department. The bond or irrevocable  
64 letter of credit shall be conditioned upon the dealer complying with the provisions  
65 of the statutes applicable to new motor vehicle franchise dealers, used motor  
66 vehicle dealers, powersport dealers, wholesale motor vehicle dealers, trailer  
67 dealers, and boat dealers, and the bond shall be an indemnity for any loss  
68 sustained by reason of the acts of the person bonded when such acts constitute  
69 grounds for the suspension or revocation of the dealer's license. The bond shall  
70 be executed in the name of the state of Missouri for the benefit of all aggrieved  
71 parties or the irrevocable letter of credit shall name the state of Missouri as the  
72 beneficiary; except, that the aggregate liability of the surety or financial  
73 institution to the aggrieved parties shall, in no event, exceed the amount of the

74 bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter  
75 of credit shall be paid upon receipt by the department of a final judgment from  
76 a Missouri court of competent jurisdiction against the principal and in favor of  
77 an aggrieved party. Additionally, every applicant as a new motor vehicle  
78 franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale  
79 motor vehicle dealer, or boat dealer shall furnish with the application a copy of  
80 a current dealer garage policy bearing the policy number and name of the insurer  
81 and the insured;

82 (4) Payment of all necessary license fees as established by the  
83 department. In establishing the amount of the annual license fees, the  
84 department shall, as near as possible, produce sufficient total income to offset  
85 operational expenses of the department relating to the administration of sections  
86 301.550 to 301.573. All fees payable pursuant to the provisions of sections  
87 301.550 to [301.573] **301.580**, other than those fees collected for the issuance of  
88 dealer plates or certificates of number collected pursuant to subsection 6 of this  
89 section, shall be collected by the department for deposit in the state treasury to  
90 the credit of the "Motor Vehicle Commission Fund", which is hereby created. The  
91 motor vehicle commission fund shall be administered by the Missouri department  
92 of revenue. The provisions of section 33.080 to the contrary notwithstanding,  
93 money in such fund shall not be transferred and placed to the credit of the  
94 general revenue fund until the amount in the motor vehicle commission fund at  
95 the end of the biennium exceeds two times the amount of the appropriation from  
96 such fund for the preceding fiscal year or, if the department requires permit  
97 renewal less frequently than yearly, then three times the appropriation from such  
98 fund for the preceding fiscal year. The amount, if any, in the fund which shall  
99 lapse is that amount in the fund which exceeds the multiple of the appropriation  
100 from such fund for the preceding fiscal year.

101 2. In the event a new vehicle manufacturer, boat manufacturer, motor  
102 vehicle dealer, wholesale motor vehicle dealer, boat dealer, powersport dealer,  
103 wholesale motor vehicle auction, trailer dealer, or a public motor vehicle auction  
104 submits an application for a license for a new business and the applicant has  
105 complied with all the provisions of this section, the department shall make a  
106 decision to grant or deny the license to the applicant within eight working hours  
107 after receipt of the dealer's application, notwithstanding any rule of the  
108 department.

109 3. Upon the initial issuance of a license by the department, the

110 department shall assign a distinctive dealer license number or certificate of  
 111 number to the applicant and the department shall issue one number plate or  
 112 certificate bearing the distinctive dealer license number or certificate of number  
 113 and two additional number plates or certificates of number within eight working  
 114 hours after presentment of the application. Upon renewal, the department shall  
 115 issue the distinctive dealer license number or certificate of number as quickly as  
 116 possible. The issuance of such distinctive dealer license number or certificate of  
 117 number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel  
 118 trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public  
 119 motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle  
 120 auction or new or used motor vehicle dealer.

121 4. Notwithstanding any other provision of the law to the contrary, the  
 122 department shall assign the following distinctive dealer license numbers to:  
 123 New motor vehicle franchise dealers. . . . . D-0 through D-999  
 124 New powersport dealers and motorcycle  
 125 franchise dealers. . . . . D-1000 through D-1999  
 126 Used motor vehicle, used powersport,  
 127 and used motorcycle dealers. . . . . D-2000 through D-9999  
 128 Wholesale motor vehicle dealers. . . . . W-0 through W-1999  
 129 Wholesale motor vehicle auctions. . . . . WA-0 through WA-999  
 130 New and used trailer dealers. . . . . T-0 through T-9999  
 131 Motor vehicle, trailer, and boat  
 132 manufacturers. . . . . DM-0 through DM-999  
 133 Public motor vehicle auctions. . . . . A-0 through A-1999  
 134 Boat dealers. . . . . M-0 through M-9999  
 135 New and used recreational motor vehicle  
 136 dealers. . . . . RV-0 through RV-999

137 For purposes of this subsection, qualified transactions shall include the purchase  
 138 of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle  
 139 dealer who also holds a salvage dealer's license shall be allowed one additional  
 140 plate or certificate number per fifty-unit qualified transactions annually. In order  
 141 for salvage dealers to obtain number plates or certificates under this section,  
 142 dealers shall submit to the department of revenue on August first of each year a  
 143 statement certifying, under penalty of perjury, the dealer's number of purchases  
 144 during the reporting period of July first of the immediately preceding year to  
 145 June thirtieth of the present year. The provisions of this subsection shall become

146 effective on the date the director of the department of revenue begins to reissue  
147 new license plates under section 301.130, or on December 1, 2008, whichever  
148 occurs first. If the director of revenue begins reissuing new license plates under  
149 the authority granted under section 301.130 prior to December 1, 2008, the  
150 director of the department of revenue shall notify the revisor of statutes of such  
151 fact.

152           5. Upon the sale of a currently licensed new motor vehicle franchise  
153 dealership the department shall, upon request, authorize the new approved dealer  
154 applicant to retain the selling dealer's license number and shall cause the new  
155 dealer's records to indicate such transfer.

156           6. In the case of new motor vehicle manufacturers, motor vehicle dealers,  
157 powersport dealers, recreational motor vehicle dealers, and trailer dealers, the  
158 department shall issue one number plate bearing the distinctive dealer license  
159 number and may issue two additional number plates to the applicant upon  
160 payment by the manufacturer or dealer of a fifty dollar fee for the number plate  
161 bearing the distinctive dealer license number and ten dollars and fifty cents for  
162 each additional number plate. Such license plates shall be made with fully  
163 reflective material with a common color scheme and design, shall be clearly  
164 visible at night, and shall be aesthetically attractive, as prescribed by section  
165 301.130. Boat dealers and boat manufacturers shall be entitled to one certificate  
166 of number bearing such number upon the payment of a fifty dollar fee. Additional  
167 number plates and as many additional certificates of number may be obtained  
168 upon payment of a fee of ten dollars and fifty cents for each additional plate or  
169 certificate. New motor vehicle manufacturers shall not be issued or possess more  
170 than three hundred forty-seven additional number plates or certificates of number  
171 annually. New and used motor vehicle dealers, powersport dealers, wholesale  
172 motor vehicle dealers, boat dealers, and trailer dealers are limited to one  
173 additional plate or certificate of number per ten-unit qualified transactions  
174 annually. New and used recreational motor vehicle dealers are limited to two  
175 additional plates or certificate of number per ten-unit qualified transactions  
176 annually for their first fifty transactions and one additional plate or certificate  
177 of number per ten-unit qualified transactions thereafter. An applicant seeking  
178 the issuance of an initial license shall indicate on his or her initial application  
179 the applicant's proposed annual number of sales in order for the director to issue  
180 the appropriate number of additional plates or certificates of number. A motor  
181 vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor

182 vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale  
183 motor vehicle dealer obtaining a distinctive dealer license plate or certificate of  
184 number or additional license plate or additional certificate of number, throughout  
185 the calendar year, shall be required to pay a fee for such license plates or  
186 certificates of number computed on the basis of one-twelfth of the full fee  
187 prescribed for the original and duplicate number plates or certificates of number  
188 for such dealers' licenses, multiplied by the number of months remaining in the  
189 licensing period for which the dealer or manufacturers shall be required to be  
190 licensed. In the event of a renewing dealer, the fee due at the time of renewal  
191 shall not be prorated. Wholesale and public auctions shall be issued a certificate  
192 of dealer registration in lieu of a dealer number plate. In order for dealers to  
193 obtain number plates or certificates under this section, dealers shall submit to  
194 the department of revenue on August first of each year a statement certifying,  
195 under penalty of perjury, the dealer's number of sales during the reporting period  
196 of July first of the immediately preceding year to June thirtieth of the present  
197 year.

198         7. The plates issued pursuant to subsection 3 or 6 of this section may be  
199 displayed on any motor vehicle owned by a new motor vehicle manufacturer. The  
200 plates issued pursuant to subsection 3 or 6 of this section may be displayed on  
201 any motor vehicle or trailer owned and held for resale by a motor vehicle dealer  
202 for use by a customer who is test driving the motor vehicle, for use and display  
203 purposes during, but not limited to, parades, private events, charitable events,  
204 or for use by an employee or officer, but shall not be displayed on any motor  
205 vehicle or trailer hired or loaned to others or upon any regularly used service or  
206 wrecker vehicle. Motor vehicle dealers may display their dealer plates on a  
207 tractor, truck or trailer to demonstrate a vehicle under a loaded  
208 condition. Trailer dealers may display their dealer license plates in like manner,  
209 except such plates may only be displayed on trailers owned and held for resale  
210 by the trailer dealer.

211         8. The certificates of number issued pursuant to subsection 3 or 6 of this  
212 section may be displayed on any vessel or vessel trailer owned and held for resale  
213 by a boat manufacturer or a boat dealer, and used by a customer who is test  
214 driving the vessel or vessel trailer, or is used by an employee or officer on a vessel  
215 or vessel trailer only, but shall not be displayed on any motor vehicle owned by  
216 a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer  
217 hired or loaned to others or upon any regularly used service vessel or vessel

218 trailer. Boat dealers and boat manufacturers may display their certificate of  
219 number on a vessel or vessel trailer when transporting a vessel or vessels to an  
220 exhibit or show.

221           **9. If any law enforcement officer has probable cause to believe**  
222 **that any license plate or certificate of number issued under subsection**  
223 **3 or 6 of this section is being misused in violation of subsection 7 or 8**  
224 **of this section, the license plate or certificate of number may be seized**  
225 **and surrendered to the department.**

226           **10. (1)** Every application for the issuance of a used motor vehicle dealer's  
227 license shall be accompanied by proof that the applicant, within the last twelve  
228 months, has completed an educational seminar course approved by the  
229 department as prescribed by subdivision (2) of this subsection. Wholesale and  
230 public auto auctions and applicants currently holding a new or used license for  
231 a separate dealership shall be exempt from the requirements of this  
232 subsection. The provisions of this subsection shall not apply to current new  
233 motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for  
234 a new motor vehicle franchise or a motor vehicle leasing agency. The provisions  
235 of this subsection shall not apply to used motor vehicle dealers who were licensed  
236 prior to August 28, 2006.

237           **(2)** The educational seminar shall include, but is not limited to, the dealer  
238 requirements of sections 301.550 to 301.573, the rules promulgated to implement,  
239 enforce, and administer sections 301.550 to 301.570, and any other rules and  
240 regulations promulgated by the department.

          301.562. 1. The department may refuse to issue or renew any license  
2 required pursuant to sections 301.550 to 301.573 for any one or any combination  
3 of causes stated in subsection 2 of this section. The department shall notify the  
4 applicant or licensee in writing at his or her last known address of the reasons  
5 for the refusal to issue or renew the license and shall advise the applicant or  
6 licensee of his or her right to file a complaint with the administrative hearing  
7 commission as provided by chapter 621.

8           2. The department may cause a complaint to be filed with the  
9 administrative hearing commission as provided by chapter 621 against any holder  
10 of any license issued under sections 301.550 to 301.573 for any one or any  
11 combination of the following causes:

12           **(1)** The applicant or license holder was previously the holder of a license  
13 issued under sections 301.550 to 301.573, which license was revoked for cause



14 and never reissued by the department, or which license was suspended for cause  
15 and the terms of suspension have not been fulfilled;

16 (2) The applicant or license holder was previously a partner, stockholder,  
17 director or officer controlling or managing a partnership or corporation whose  
18 license issued under sections 301.550 to 301.573 was revoked for cause and never  
19 reissued or was suspended for cause and the terms of suspension have not been  
20 fulfilled;

21 (3) The applicant or license holder has, within ten years prior to the date  
22 of the application, been finally adjudicated and found guilty, or entered a plea of  
23 guilty or nolo contendere, in a prosecution under the laws of any state or of the  
24 United States, for any offense reasonably related to the qualifications, functions,  
25 or duties of any business licensed under sections 301.550 to 301.573; for any  
26 offense, an essential element of which is fraud, dishonesty, or an act of violence;  
27 or for any offense involving moral turpitude, whether or not sentence is imposed;

28 (4) Use of fraud, deception, misrepresentation, or bribery in securing any  
29 license issued pursuant to sections 301.550 to 301.573;

30 (5) Obtaining or attempting to obtain any money, commission, fee, barter,  
31 exchange, or other compensation by fraud, deception, or misrepresentation;

32 (6) Violation of, or assisting or enabling any person to violate any  
33 provisions of this chapter and chapters **143**, 144, 306, 307, 407, 578, and 643 or  
34 of any lawful rule or regulation adopted pursuant to this chapter and chapters  
35 **143**, **144**, 306, 307, 407, 578, and 643;

36 (7) The applicant or license holder has filed an application for a license  
37 which, as of its effective date, was incomplete in any material respect or  
38 contained any statement which was, in light of the circumstances under which it  
39 was made, false or misleading with respect to any material fact;

40 (8) The applicant or license holder has failed to pay the proper application  
41 or license fee or other fees required pursuant to this chapter or chapter 306 or  
42 fails to establish or maintain a bona fide place of business;

43 (9) Uses or permits the use of any special license or license plate assigned  
44 to the license holder for any purpose other than those permitted by law;

45 (10) The applicant or license holder is finally adjudged insane or  
46 incompetent by a court of competent jurisdiction;

47 (11) Use of any advertisement or solicitation which is false;

48 (12) Violations of sections 407.511 to 407.556, section 578.120, which  
49 resulted in a conviction or finding of guilt or violation of any federal motor vehicle

50 laws which result in a conviction or finding of guilt.

51           3. Any such complaint shall be filed within one year of the date upon  
52 which the department receives notice of an alleged violation of an applicable  
53 statute or regulation. After the filing of such complaint, the proceedings shall,  
54 **except for the matters set forth in subsection 5 of this section**, be  
55 conducted in accordance with the provisions of chapter 621. Upon a finding by  
56 the administrative hearing commission that the grounds, provided in subsection  
57 2 of this section, for disciplinary action are met, the department may, singly or  
58 in combination, refuse to issue the person a license, **issue a license for a**  
59 **period of less than two years**, issue a private reprimand, place the person on  
60 probation on such terms and conditions as the department deems appropriate for  
61 a period of one day to five years, suspend the person's license from one day to six  
62 days, or revoke the person's license for such period as the department deems  
63 appropriate. The applicant or licensee shall have the right to appeal the decision  
64 of the administrative hearing commission and department in the manner  
65 provided in chapter 536.

66           4. Upon the suspension or revocation of any person's license issued under  
67 sections 301.550 to 301.573, the department shall recall any distinctive number  
68 plates that were issued to that licensee. **If any licensee who has been**  
69 **suspended or revoked shall neglect or refuse to surrender his or her**  
70 **license or distinctive number license plates issued under sections**  
71 **301.550 to 301.580, the director shall direct any agent or employee of**  
72 **the department or any law enforcement officer, to secure possession**  
73 **thereof and return such items to the director. For purposes of this**  
74 **subsection, a "law enforcement officer" means any member of the**  
75 **highway patrol, any sheriff or deputy sheriff, or any peace officer**  
76 **certified under chapter 590 acting in his or her official**  
77 **capacity. Failure of the licensee to surrender his or her license or**  
78 **distinctive number license plates upon demand by the director, any**  
79 **agent or employee of the department, or any law enforcement officer**  
80 **shall be a class A misdemeanor.**

81           5. Notwithstanding the foregoing provisions of this section, the  
82 following events or acts by the holder of any license issued under  
83 sections 301.550 to 301.580 are deemed to present a clear and present  
84 danger to the public welfare and shall be considered cause for  
85 suspension or revocation of such license under the procedure set forth

86 in subsection 6 of this section, at the discretion of the director:

87 (1) The expiration or revocation of any corporate surety bond or  
88 irrevocable letter of credit, as required by section 301.560, without  
89 submission of a replacement bond or letter of credit which provides  
90 coverage for the entire period of licensure;

91 (2) The failure to maintain a bona fide established place of  
92 business as required by section 301.560;

93 (3) Criminal convictions as set forth in subdivision (3) of  
94 subsection 2 of this section; or

95 (4) Three or more occurrences of violations, which have been  
96 established following proceedings before the administrative hearing  
97 commission under subsection 3 of this section, or which have been  
98 established following proceedings before the director under subsection  
99 6 of this section, of this chapter and chapters 143, 144, 306, 307, 578, and  
100 643 or of any lawful rule or regulation adopted under this chapter and  
101 chapters 143, 144, 306, 307, 578, and 643, not previously set forth herein.

102 6. (1) Any license issued under sections 301.550 to 301.580 shall  
103 be suspended or revoked, following an evidentiary hearing before the  
104 director or his or her designated hearing officer, if affidavits or sworn  
105 testimony by an authorized agent of the department alleges the  
106 occurrence of any of the events or acts described in subsection 5 of this  
107 section.

108 (2) For any license which the department believes may be subject  
109 to suspension or revocation under this subsection, the director shall  
110 immediately issue a notice of hearing to the licensee of record. The  
111 director's notice of hearing:

112 (a) Shall be served upon the licensee personally or by first class  
113 mail to the dealer's last known address, as registered with the director;

114 (b) Shall be based on affidavits or sworn testimony presented to  
115 the director, and shall notify the licensee that such information  
116 presented therein constitutes cause to suspend or revoke the licensee's  
117 license;

118 (c) Shall provide the licensee with a minimum of ten days' notice  
119 prior to hearing;

120 (d) Shall specify the events or acts which may provide cause for  
121 suspension or revocation of the license, and shall include with the  
122 notice a copy of all affidavits, sworn testimony or other information

123 presented to the director which support discipline of the license; and  
124 (e) Shall inform the licensee that he or she has the right to  
125 attend the hearing and present any evidence in his or her defense,  
126 including evidence to show that the event or act which may result in  
127 suspension or revocation has been corrected to the director's  
128 satisfaction, and that he or she may be represented by counsel at the  
129 hearing.

130 (3) At any hearing before the director conducted under this  
131 subsection, the director or his or her designated hearing officer shall  
132 consider all evidence relevant to the issue of whether the license  
133 should be suspended or revoked due to the occurrence of any of the  
134 acts set forth in subsection 5 herein. Within twenty business days after  
135 such hearing, the director or his or her designated hearing officer shall  
136 issue a written order, with findings of fact and conclusions of law,  
137 which either grants or denies the issuance of an order of suspension or  
138 revocation. The suspension or revocation shall be effective ten days  
139 after the date of the order. The written order of the director or his or  
140 her hearing officer shall be the final decision of the director and shall  
141 be subject to judicial review under the provisions of chapter 536.

142 (4) Notwithstanding the provisions of this chapter or chapter 610  
143 or 621, to the contrary, the proceedings under this section shall be  
144 closed and no order shall be made public until it is final, for purposes  
145 of appeal.

301.567. 1. For purposes of this section, a violation of any of the following  
2 advertising standards shall be deemed an attempt by the advertising dealer to  
3 obtain a fee or other compensation by fraud, deception or misrepresentation in  
4 violation of section 301.562:

5 (1) A motor vehicle shall not be advertised as new, either by express terms  
6 or implication, unless it is a new motor vehicle as defined in section 301.550;

7 (2) When advertising any motor vehicle which is not a new motor vehicle,  
8 such advertisement must expressly identify that the motor vehicle is a used motor  
9 vehicle by express use of the term "used", or by such other term as is commonly  
10 understood to mean that the vehicle is used;

11 (3) Any terms, conditions, and disclaimers relating to the advertised motor  
12 vehicle's price or financing options shall be stated clearly and conspicuously. An  
13 asterisk or other reference symbol may be used to point to a disclaimer or other

14 information, but not be used as a means of contradicting or changing the meaning  
15 of an advertised statement;

16 (4) The expiration date, if any, of an advertised sale or vehicle price shall  
17 be clearly and conspicuously disclosed. In the absence of such disclosure, the  
18 advertised sale or vehicle price shall be deemed effective so long as such vehicles  
19 remain in the advertising dealership's inventory;

20 (5) The terms "list price", "sticker price", or "suggested retail price" shall  
21 be used only in reference to the manufacturer's suggested retail price for new  
22 motor vehicles, and, if used, shall be accompanied by a clear and conspicuous  
23 disclosure that such terms represent the manufacturer's suggested retail price of  
24 the advertised vehicle;

25 (6) Terms such as "at cost", "\$..... above cost", "invoice price", and "\$ .....  
26 below/over invoice" shall not be used in advertisements because of the difficulty  
27 in determining a dealer's actual net cost at the time of the sale;

28 (7) When the price or financing terms of a motor vehicle are advertised,  
29 the vehicle shall be fully identified as to year, make, and model. In addition, in  
30 advertisements placed by individual dealers and not line-make marketing groups,  
31 the advertised price or credit terms shall include all charges which the buyer  
32 must pay to the dealer, except buyer-selected options and state and local taxes.  
33 If a processing fee or freight or destination charges are not included in the  
34 advertised price, the amount of any such processing fee and freight or destination  
35 charge must be clearly and conspicuously disclosed within the advertisement;

36 (8) Advertisements of dealer rebates shall not be used, however, this shall  
37 not be deemed to prohibit the advertising of manufacturer rebates, so long as all  
38 material terms of such rebates are clearly and conspicuously disclosed;

39 (9) "Free"[.] or "at no cost" shall not be used if any purchase is required  
40 to qualify for the free item, merchandise, or service;

41 (10) Bait advertising, in which an advertiser may have no intention to sell  
42 at the prices or terms advertised, shall not be used. Bait advertising shall  
43 include, but not be limited to, the following examples:

44 (a) Not having available for sale the advertised motor vehicles at the  
45 advertised prices. If a specific vehicle is advertised, the dealer shall be in  
46 possession of a reasonable supply of such vehicles, and they shall be available at  
47 the advertised price. If the advertised vehicle is available only in limited  
48 numbers or only by order, such limitations shall be stated in the advertisement;

49 (b) Advertising a motor vehicle at a specified price, including such terms

50 as "as low as \$.....", but having available for sale only vehicles equipped with  
51 dealer-added cost options which increase the selling price above the advertised  
52 price;

53 (11) Any reference to monthly payments, down payments, or other  
54 reference to financing or leasing information shall be accompanied by a clear and  
55 conspicuous disclosure of the following:

56 (a) Whether the payment or other information relates to a financing or a  
57 lease transaction;

58 (b) If the payment or other information relates to a financing transaction,  
59 the minimum down payment, annual percentage interest rate, and number of  
60 payments necessary to obtain the advertised payment amount must be disclosed,  
61 in addition to any special qualifications required for obtaining the advertised  
62 terms including, but not limited to, first-time buyer discounts, college graduate  
63 discounts, and a statement concerning whether the advertised terms are subject  
64 to credit approval;

65 (c) If the payment or other information relates to a lease transaction, the  
66 total amount due from the purchaser at signing with such costs broken down and  
67 identified by category, lease term expressed in number of months, whether the  
68 lease is closed-end or open-end, and total cost to the lessee over the lease term  
69 in dollars;

70 (12) Any advertisement which states or implies that the advertising dealer  
71 has a special arrangement or relationship with the distributor or manufacturer,  
72 as compared to similarly situated dealers, shall not be used;

73 (13) Any advertisement which, in the circumstances under which it is  
74 made or applied, is false, deceptive, or misleading shall not be used;

75 (14) No abbreviations for industry words or phrases shall be used in any  
76 advertisement unless such abbreviations are accompanied by the fully spelled or  
77 spoken words or phrases.

78 2. The requirements of this section shall apply regardless of whether a  
79 dealer advertises by means of print, broadcast, or electronic media, or direct mail.  
80 If the advertisement is by means of a broadcast or print media, a dealer may  
81 provide the disclaimers and disclosures required under subdivision (3) of  
82 subsection 1 of this section by reference to an Internet web page or toll-free  
83 telephone number containing the information required to be disclosed.

84 3. Dealers shall clearly and conspicuously identify themselves in each  
85 advertisement by use of a dealership name which complies with subsection 6 of

86 section 301.560.

301.570. 1. It shall be unlawful for any person, partnership, corporation,  
2 company or association, unless the seller is a financial institution, or is selling  
3 repossessed motor vehicles or is disposing of vehicles used and titled solely in its  
4 ordinary course of business or is a collector of antique motor vehicles, to sell or  
5 display with an intent to sell six or more motor vehicles in a calendar year, except  
6 when such motor vehicles are registered in the name of the seller, unless such  
7 person, partnership, corporation, company or association is:

8 (1) Licensed as a motor vehicle dealer by the department under the  
9 provisions of sections 301.550 to 301.573;

10 (2) Exempt from licensure as a motor vehicle dealer pursuant to  
11 subsection 4 of section 301.559;

12 (3) Selling commercial motor vehicles with a gross weight of at least  
13 nineteen thousand five hundred pounds, but only with respect to such commercial  
14 motor vehicles;

15 (4) An auctioneer, acting at the request of the owner at an auction, when  
16 such auction is not a public motor vehicle auction.

17 2. Any person, partnership, corporation, company or association that has  
18 reason to believe that the provisions of this section are being violated shall file  
19 a complaint with the prosecuting attorney in the county in which the violation  
20 occurred. The prosecuting attorney shall investigate the complaint and take  
21 appropriate action.

22 3. For the purposes of sections 301.550 to 301.573, the sale, barter,  
23 exchange, lease or rental with option to purchase of six or more motor vehicles in  
24 a calendar year by any person, partnership, corporation, company or association,  
25 whether or not the motor vehicles are owned by them, shall be prima facie  
26 evidence of intent to make a profit or gain of money and such person, partnership,  
27 corporation, company or association shall be deemed to be acting as a motor  
28 vehicle dealer without a license.

29 4. Any person, partnership, corporation, company or association who  
30 violates subsection 1 of this section is guilty of a class A misdemeanor. **A second**  
31 **or subsequent conviction shall be deemed a class D felony.**

32 5. The provisions of this section shall not apply to liquidation of an estate.

**301.580. 1. The department of revenue may issue special event**  
2 **motor vehicle auction licenses under the provisions of this section. For**  
3 **purposes of this section, a "special event motor vehicle auction" is a**

4 motor vehicle auction which:

5 (1) Ninety percent of the vehicles being auctioned are at least  
6 ten years old or older;

7 (2) The licensee shall auction no more than three percent of the  
8 total number of vehicles presented for auction which are owned and  
9 titled in the name of the licensee or its owners; and

10 (3) The duration is no more than three consecutive calendar days  
11 and is held no more than two times in a calendar year by a licensee.

12 2. A special event motor vehicle auction shall be considered a  
13 public motor vehicle auction for purposes of sections 301.559 and  
14 301.564.

15 3. Special event motor vehicle auction licensees shall be exempt  
16 from the requirements of section 301.560, with the exception of  
17 subdivision (4) of subsection 1 of section 301.560.

18 4. An application for a special event motor vehicle auction  
19 license must be received by the department at least ninety days prior  
20 to the beginning of the special event auction.

21 5. Applicants for a special motor vehicle auction are limited to  
22 no more than two special event auctions in any calendar year. A  
23 separate application is required for each special event motor vehicle  
24 auction.

25 6. At least ninety percent of the vehicles being auctioned at a  
26 special event motor vehicle auction shall be ten years old or older. The  
27 licensee shall, within ten days of the conclusion of a special event  
28 motor vehicle auction, submit a report in the form approved by the  
29 director to the department that includes the make, model, year, and  
30 vehicle identification number of each vehicle included in the  
31 auction. Every vehicle included in the special event auction shall be  
32 listed, including those vehicles that were auctioned and sold and those  
33 vehicles that were auctioned but did not sell. Violation of this  
34 subsection is a class A misdemeanor.

35 7. The applicant for the special event motor vehicle auction shall  
36 be responsible for ensuring that a sales tax license or special event  
37 sales tax license is obtained for the event if one is required.

38 8. The fee for a special event motor vehicle auction license shall  
39 be one thousand dollars. For every vehicle auctioned in violation of  
40 subsection 6 of this section, an administrative fee of five hundred



41 dollars shall be paid to the department. Such fees shall be deposited  
42 in like manner as other license fees of this section.

43 9. In addition to the causes set forth in section 301.562, the  
44 department may promulgate rules that establish additional causes to  
45 refuse to issue or to revoke a special event license.

46 10. A special motor vehicle auction shall last no more than three  
47 consecutive days.

48 11. The applicant for a special event motor vehicle auction shall  
49 be registered to conduct business in this state.

50 12. Every applicant for a special event motor vehicle auction  
51 license shall furnish with the application a corporate surety bond or an  
52 irrevocable letter of credit as defined in section 400.5-102 issued by any  
53 state or federal financial institution in the penal sum of one hundred  
54 thousand dollars on a form approved by the department. The bond or  
55 irrevocable letter of credit shall be conditioned upon the applicant  
56 complying with the provisions of the statutes applicable to a special  
57 event auction license holder and the bond shall be an indemnity for any  
58 loss sustained by reason of the acts of the person bonded when such  
59 acts constitute grounds for the revocation or denial of a special event  
60 auction license. The bond shall be executed in the name of the state of  
61 Missouri for the benefit of all aggrieved parties or the irrevocable  
62 letter of credit shall name the state of Missouri as the beneficiary. The  
63 aggregate liability of the surety or financial institution to the aggrieved  
64 parties shall not exceed the amount of the bond or irrevocable letter of  
65 credit. The proceeds of the bond or irrevocable letter of credit shall be  
66 paid upon receipt by the department of a final judgment from a  
67 Missouri court of competent jurisdiction against the principal and in  
68 favor of an aggrieved party.

69 13. No dealer, driveaway, auction, or wholesale plates, or  
70 temporary permit booklets, shall be issued in conjunction with a  
71 special event motor vehicle auction license.

72 14. Any person or entity who sells a vehicle at a special event  
73 motor vehicle auction shall provide, to the buyer, current contact  
74 information including, but not limited to, name, address, and telephone  
75 number.

76 15. Any rule or portion of a rule, as that term is defined in  
77 section 536.010, that is created under the authority delegated in this

78 **section shall become effective only if it complies with and is subject to**  
79 **all of the provisions of chapter 536 and, if applicable, section**  
80 **536.028. This section and chapter 536 are nonseverable and if any of**  
81 **the powers vested with the general assembly pursuant to chapter 536**  
82 **to review, to delay the effective date, or to disapprove and annul a rule**  
83 **are subsequently held unconstitutional, then the grant of rulemaking**  
84 **authority and any rule proposed or adopted after August 28, 2012, shall**  
85 **be invalid and void.**

302.010. Except where otherwise provided, when used in this chapter, the  
2 following words and phrases mean:

- 3 (1) "Circuit court", each circuit court in the state;
- 4 (2) "Commercial motor vehicle", a motor vehicle designed or regularly used  
5 for carrying freight and merchandise, or more than fifteen passengers;
- 6 (3) "Conviction", any final conviction; also a forfeiture of bail or collateral  
7 deposited to secure a defendant's appearance in court, which forfeiture has not  
8 been vacated, shall be equivalent to a conviction, except that when any conviction  
9 as a result of which points are assessed pursuant to section 302.302 is appealed,  
10 the term "conviction" means the original judgment of conviction for the purpose  
11 of determining the assessment of points, and the date of final judgment affirming  
12 the conviction shall be the date determining the beginning of any license  
13 suspension or revocation pursuant to section 302.304;
- 14 (4) **"Criminal history check", a search of criminal records,**  
15 **including criminal history record information as defined in section**  
16 **43.500, maintained by the Missouri state highway patrol in the Missouri**  
17 **criminal records repository or by the Federal Bureau of Investigation**  
18 **as part of its criminal history records, including, but not limited to, any**  
19 **record of conviction, plea of guilty or nolo contendere, or finding of**  
20 **guilty in any state for any offense related to alcohol, controlled**  
21 **substances, or drugs;**
- 22 (5) "Director", the director of revenue acting directly or through the  
23 director's authorized officers and agents;
- 24 [(5)] (6) "Farm tractor", every motor vehicle designed and used primarily  
25 as a farm implement for drawing plows, mowing machines and other implements  
26 of husbandry;
- 27 [(6)] (7) "Highway", any public thoroughfare for vehicles, including state  
28 roads, county roads and public streets, avenues, boulevards, parkways, or alleys

29 in any municipality;

30       [(7)] (8) "Incompetent to drive a motor vehicle", a person who has become  
31 physically incapable of meeting the prescribed requirements of an examination  
32 for an operator's license, or who has been adjudged by a probate division of the  
33 circuit court in a capacity hearing of being incapacitated;

34       [(8)] (9) "License", a license issued by a state to a person which  
35 authorizes a person to operate a motor vehicle;

36       [(9)] (10) "Motor vehicle", any self-propelled vehicle not operated  
37 exclusively upon tracks except motorized bicycles, as defined in section 307.180;

38       [(10)] (11) "Motorcycle", a motor vehicle operated on two wheels;  
39 however, this definition shall not include motorized bicycles as defined in section  
40 301.010;

41       [(11)] (12) "Motortricycle", a motor vehicle operated on three wheels,  
42 including a motorcycle operated with any conveyance, temporary or otherwise,  
43 requiring the use of a third wheel;

44       [(12)] (13) "Moving violation", that character of traffic violation where  
45 at the time of violation the motor vehicle involved is in motion, except that the  
46 term does not include the driving of a motor vehicle without a valid motor vehicle  
47 registration license, or violations of sections 304.170 to 304.240, inclusive,  
48 relating to sizes and weights of vehicles;

49       [(13)] (14) "Municipal court", every division of the circuit court having  
50 original jurisdiction to try persons for violations of city ordinances;

51       [(14)] (15) "Nonresident", every person who is not a resident of this state;

52       [(15)] (16) "Operator", every person who is in actual physical control of  
53 a motor vehicle upon a highway;

54       [(16)] (17) "Owner", a person who holds the legal title of a vehicle or in  
55 the event a vehicle is the subject of an agreement for the conditional sale or lease  
56 thereof with the right of purchase upon performance of the conditions stated in  
57 the agreement and with an immediate right of possession vested in the  
58 conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled  
59 to possession, then such conditional vendee or lessee or mortgagor shall be  
60 deemed the owner for the purpose of sections 302.010 to 302.540;

61       [(17)] (18) "Record" includes, but is not limited to, papers, documents,  
62 facsimile information, microphotographic process, electronically generated or  
63 electronically recorded information, digitized images, deposited or filed with the  
64 department of revenue;

65           [(18)] **(19)** "Residence address", "residence", or "resident address" shall  
66 be the location at which a person has been physically present, and that the  
67 person regards as home. A residence address is a person's true, fixed, principal,  
68 and permanent home, to which a person intends to return and remain, even  
69 though currently residing elsewhere;

70           [(19)] **(20)** "Restricted driving privilege", a driving privilege issued by the  
71 director of revenue following a suspension of driving privileges for the limited  
72 purpose of driving in connection with the driver's business, occupation,  
73 employment, formal program of secondary, postsecondary or higher education, or  
74 for an alcohol education or treatment program or certified ignition interlock  
75 provider;

76           [(20)] **(21)** "School bus", when used in sections 302.010 to 302.540, means  
77 any motor vehicle, either publicly or privately owned, used to transport students  
78 to and from school, or to transport pupils properly chaperoned to and from any  
79 place within the state for educational purposes. The term "school bus" shall not  
80 include a bus operated by a public utility, municipal corporation or common  
81 carrier authorized to conduct local or interstate transportation of passengers  
82 when such bus is not traveling a specific school bus route but is:

83           (a) On a regularly scheduled route for the transportation of fare-paying  
84 passengers; or

85           (b) Furnishing charter service for the transportation of persons enrolled  
86 as students on field trips or other special trips or in connection with other special  
87 events;

88           [(21)] **(22)** "School bus operator", an operator who operates a school bus  
89 as defined in subdivision (20) of this section in the transportation of any  
90 schoolchildren and who receives compensation for such service. The term "school  
91 bus operator" shall not include any person who transports schoolchildren as an  
92 incident to employment with a school or school district, such as a teacher, coach,  
93 administrator, secretary, school nurse, or janitor unless such person is under  
94 contract with or employed by a school or school district as a school bus operator;

95           [(22)] **(23)** "Signature", any method determined by the director of revenue  
96 for the signing, subscribing or verifying of a record, report, application, driver's  
97 license, or other related document that shall have the same validity and  
98 consequences as the actual signing by the person providing the record, report,  
99 application, driver's license or related document;

100           [(23)] **(24)** "Substance abuse traffic offender program", a program

101 certified by the division of alcohol and drug abuse of the department of mental  
102 health to provide education or rehabilitation services pursuant to a professional  
103 assessment screening to identify the individual needs of the person who has been  
104 referred to the program as the result of an alcohol- or drug-related traffic  
105 offense. Successful completion of such a program includes participation in any  
106 education or rehabilitation program required to meet the needs identified in the  
107 assessment screening. The assignment recommendations based upon such  
108 assessment shall be subject to judicial review as provided in subsection 14 of  
109 section 302.304 and subsections 1 and 5 of section 302.540;

110 ~~[(24)]~~ **(25)** "Vehicle", any mechanical device on wheels, designed  
111 primarily for use, or used on highways, except motorized bicycles, vehicles  
112 propelled or drawn by horses or human power, or vehicles used exclusively on  
113 fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by  
114 handicapped persons.

302.060. 1. The director shall not issue any license and shall immediately  
2 deny any driving privilege:

3 (1) To any person who is under the age of eighteen years, if such person  
4 operates a motor vehicle in the transportation of persons or property as classified  
5 in section 302.015;

6 (2) To any person who is under the age of sixteen years, except as  
7 hereinafter provided;

8 (3) To any person whose license has been suspended, during such  
9 suspension, or to any person whose license has been revoked, until the expiration  
10 of one year after such license was revoked;

11 (4) To any person who is an habitual drunkard or is addicted to the use  
12 of narcotic drugs;

13 (5) To any person who has previously been adjudged to be incapacitated  
14 and who at the time of application has not been restored to partial capacity;

15 (6) To any person who, when required by this law to take an examination,  
16 has failed to pass such examination;

17 (7) To any person who has an unsatisfied judgment against such person,  
18 as defined in chapter 303, until such judgment has been satisfied or the financial  
19 responsibility of such person, as defined in section 303.120, has been established;

20 (8) To any person whose application shows that the person has been  
21 convicted within one year prior to such application of violating the laws of this  
22 state relating to failure to stop after an accident and to disclose the person's

23 identity or driving a motor vehicle without the owner's consent;

24           (9) To any person who has been convicted more than twice of violating  
25 state law, or a county or municipal ordinance where the defendant was  
26 represented by or waived the right to an attorney in writing, relating to driving  
27 while intoxicated; except that, after the expiration of ten years from the date of  
28 conviction of the last offense of violating such law or ordinance relating to driving  
29 while intoxicated, a person who was so convicted may petition the circuit court  
30 of the county in which such last conviction was rendered and the court shall  
31 review the person's habits and conduct since such conviction, **including the**  
32 **results of a criminal history check as defined in section 302.010.** If the  
33 court finds that the petitioner has not been convicted [of], **pled guilty to or**  
34 **been found guilty of, and has no pending charges for** any offense related  
35 to alcohol, controlled substances or drugs **and has no other alcohol-related**  
36 **enforcement contacts as defined in section 302.525** during the preceding  
37 ten years and that the petitioner's habits and conduct show such petitioner to no  
38 longer pose a threat to the public safety of this state, the court may order the  
39 director to issue a license to the petitioner if the petitioner is otherwise qualified  
40 pursuant to the provisions of sections 302.010 to 302.540. No person may obtain  
41 a license pursuant to the provisions of this subdivision through court action more  
42 than one time;

43           (10) To any person who has [been convicted twice within a five-year period  
44 of violating state law, or a county or municipal ordinance, of driving while  
45 intoxicated, or any other intoxication-related traffic offense as defined in  
46 subdivision (4) of subsection 1 of section 577.023, or who has been convicted of the  
47 crime of involuntary manslaughter while operating a motor vehicle in an  
48 intoxicated condition. The director shall not issue a license to such person for  
49 five years from the date such person was convicted or pled guilty for involuntary  
50 manslaughter while operating a motor vehicle in an intoxicated condition or for  
51 driving while intoxicated or any other intoxication-related traffic offense as  
52 defined in subdivision (4) of subsection 1 of section 577.023 for the second time]  
53 **pled guilty to or been convicted of the crime of involuntary**  
54 **manslaughter while operating a motor vehicle in an intoxicated**  
55 **condition, or to any person who has been convicted twice within a five-**  
56 **year period of violating state law, county or municipal ordinance of**  
57 **driving while intoxicated, or any other intoxication-related traffic**  
58 **offense as defined in section 577.023, except that, after the expiration**

59 of five years from the date of conviction of the last offense of violating  
60 such law or ordinance, a person who was so convicted may petition the  
61 circuit court of the county in which such last conviction was rendered  
62 and the court shall review the person's habits and conduct since such  
63 conviction, including the results of a criminal history check as defined  
64 in section 302.010. If the court finds that the petitioner has not been  
65 convicted, pled guilty to, or been found guilty of, and has no pending  
66 charges for any offense related to alcohol, controlled substances, or  
67 drugs and has no other alcohol-related enforcement contacts as defined  
68 in section 302.525 during the preceding five years, and that the  
69 petitioner's habits and conduct show such petitioner to no longer pose  
70 a threat to the public safety of this state, the court may order the  
71 director to issue a license to the petitioner if the petitioner is  
72 otherwise qualified pursuant to the provisions of sections 302.010 to  
73 302.540;

74 (11) To any person who is otherwise disqualified pursuant to the  
75 provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

76 (12) To any person who is under the age of eighteen years, if such person's  
77 parents or legal guardians file a certified document with the department of  
78 revenue stating that the director shall not issue such person a driver's  
79 license. Each document filed by the person's parents or legal guardians shall be  
80 made upon a form furnished by the director and shall include identifying  
81 information of the person for whom the parents or legal guardians are denying  
82 the driver's license. The document shall also contain identifying information of  
83 the person's parents or legal guardians. The document shall be certified by the  
84 parents or legal guardians to be true and correct. This provision shall not apply  
85 to any person who is legally emancipated. The parents or legal guardians may  
86 later file an additional document with the department of revenue which  
87 reinstates the person's ability to receive a driver's license.

88 2. Any person whose license is reinstated under the provisions of  
89 subdivisions (9) and (10) of subsection 1 of this section shall be required to file  
90 proof with the director of revenue that any motor vehicle operated by the person  
91 is equipped with a functioning, certified ignition interlock device as a required  
92 condition of reinstatement. The ignition interlock device shall further be required  
93 to be maintained on all motor vehicles operated by the person for a period of not  
94 less than six months immediately following the date of reinstatement. If the

95 person fails to maintain such proof with the director, the license shall be  
96 suspended for the remainder of the six-month period or until proof as required by  
97 this section is filed with the director. Upon the completion of the six-month  
98 period, the license shall be shown as reinstated, if the person is otherwise  
99 eligible.

100       **3. Any person who petitions the court for reinstatement of his or**  
101 **her license pursuant to subdivision (9) or (10) of subsection 1 of this**  
102 **section shall make application with the Missouri state highway patrol**  
103 **as provided in section 43.540, and shall submit two sets of fingerprints**  
104 **collected pursuant to standards as determined by the highway**  
105 **patrol. One set of fingerprints shall be used by the highway patrol to**  
106 **search the criminal history repository and the second set shall be**  
107 **forwarded to the Federal Bureau of Investigation for searching the**  
108 **federal criminal history files. At the time of application, the applicant**  
109 **shall supply to the highway patrol the court name and case number for**  
110 **the court where he or she has filed his or her petition for**  
111 **reinstatement. The applicant shall pay the fee for the state criminal**  
112 **history check pursuant to section 43.530 and pay the appropriate fee**  
113 **determined by the Federal Bureau of Investigation for the federal**  
114 **criminal history record. The Missouri highway patrol, upon receipt of**  
115 **the results of the criminal history check, shall forward a copy of the**  
116 **results to the circuit court designated by the applicant and to the**  
117 **department. Notwithstanding the provisions of section 610.120, all**  
118 **records related to any criminal history check shall be accessible and**  
119 **available to the director and the court.**

302.130. 1. Any person at least fifteen years of age who, except for age  
2 or lack of instruction in operating a motor vehicle, would otherwise be qualified  
3 to obtain a license pursuant to sections 302.010 to 302.340 may apply for and the  
4 director shall issue a temporary instruction permit entitling the applicant, while  
5 having such permit in the applicant's immediate possession, to drive a motor  
6 vehicle of the appropriate class upon the highways for a period of twelve months,  
7 but any such person, except when operating a motorcycle or motortricycle, must  
8 be accompanied by a licensed operator for the type of motor vehicle being  
9 operated who is actually occupying a seat beside the driver for the purpose of  
10 giving instruction in driving the motor vehicle, who is at least twenty-one years  
11 of age, and in the case of any driver under sixteen years of age, the licensed



12 operator occupying the seat beside the driver shall be a grandparent, parent,  
13 guardian, **a person who is at least twenty-five years of age who has been**  
14 **licensed for a minimum of three years and has received written**  
15 **permission from the parent or legal guardian to escort or accompany**  
16 **the driver,** a driver training instructor holding a valid driver education  
17 endorsement on a teaching certificate issued by the department of elementary and  
18 secondary education or a qualified instructor of a private drivers' education  
19 program who has a valid driver's license. An applicant for a temporary  
20 instruction permit shall successfully complete a vision test and a test of the  
21 applicant's ability to understand highway signs which regulate, warn or direct  
22 traffic and practical knowledge of the traffic laws of this state, pursuant to  
23 section 302.173. In addition, beginning January 1, 2007, no permit shall be  
24 granted pursuant to this subsection unless a parent or legal guardian gives  
25 written permission by signing the application and in so signing, state they, or  
26 their designee as set forth in subsection 2 of this section, will provide a minimum  
27 of forty hours of behind-the-wheel driving instruction, including a minimum of ten  
28 hours of behind-the-wheel driving instruction that occurs during the nighttime  
29 hours falling between sunset and sunrise. The forty hours of behind-the-wheel  
30 driving instruction that is completed pursuant to this subsection may include any  
31 time that the holder of an instruction permit has spent operating a motor vehicle  
32 in a driver training program taught by a driver training instructor holding a valid  
33 driver education endorsement on a teaching certificate issued by the department  
34 of elementary and secondary education or by a qualified instructor of a private  
35 drivers' education program. If the applicant for a permit is enrolled in a federal  
36 residential job training program, the instructor, as defined in subsection 5 of this  
37 section, is authorized to sign the application stating that the applicant will  
38 receive the behind-the-wheel driving instruction required by this section.

39         2. In the event the parent, grandparent or guardian of the person under  
40 sixteen years of age has a physical disability which prohibits or disqualifies said  
41 parent, grandparent or guardian from being a qualified licensed operator  
42 pursuant to this section, said parent, grandparent or guardian may designate a  
43 maximum of two individuals authorized to accompany the applicant for the  
44 purpose of giving instruction in driving the motor vehicle. An authorized  
45 designee must be a licensed operator for the type of motor vehicle being operated  
46 and have attained twenty-one years of age. At least one of the designees must  
47 occupy the seat beside the applicant while giving instruction in driving the motor

48 vehicle. The name of the authorized designees must be provided to the  
49 department of revenue by the parent, grandparent or guardian at the time of  
50 application for the temporary instruction permit. The name of each authorized  
51 designee shall be printed on the temporary instruction permit, however, the  
52 director may delay the time at which permits are printed bearing such names  
53 until the inventories of blank permits and related forms existing on August 28,  
54 1998, are exhausted.

55         3. The director, upon proper application on a form prescribed by the  
56 director, in his or her discretion, may issue a restricted instruction permit  
57 effective for a school year or more restricted period to an applicant who is  
58 enrolled in a high school driver training program taught by a driver training  
59 instructor holding a valid driver education endorsement on a teaching certificate  
60 issued by the state department of elementary and secondary education even  
61 though the applicant has not reached the age of sixteen years but has passed the  
62 age of fifteen years. Such instruction permit shall entitle the applicant, when the  
63 applicant has such permit in his or her immediate possession, to operate a motor  
64 vehicle on the highways, but only when a driver training instructor holding a  
65 valid driver education endorsement on a teaching certificate issued by the state  
66 department of elementary and secondary education is occupying a seat beside the  
67 driver.

68         4. The director, in his or her discretion, may issue a temporary driver's  
69 permit to an applicant who is otherwise qualified for a license permitting the  
70 applicant to operate a motor vehicle while the director is completing the director's  
71 investigation and determination of all facts relative to such applicant's rights to  
72 receive a license. Such permit must be in the applicant's immediate possession  
73 while operating a motor vehicle, and it shall be invalid when the applicant's  
74 license has been issued or for good cause has been refused.

75         5. In the event that the applicant for a temporary instruction permit  
76 described in subsection 1 of this section is a participant in a federal residential  
77 job training program, the permittee may operate a motor vehicle accompanied by  
78 a driver training instructor who holds a valid driver education endorsement  
79 issued by the department of elementary and secondary education and a valid  
80 driver's license.

81         6. A person at least fifteen years of age may operate a motor vehicle as  
82 part of a driver training program taught by a driver training instructor holding  
83 a valid driver education endorsement on a teaching certificate issued by the

84 department of elementary and secondary education or a qualified instructor of a  
85 private drivers' education program.

86 7. Beginning January 1, 2003, the director shall issue with every  
87 temporary instruction permit issued pursuant to subsection 1 of this section a  
88 sticker or sign bearing the words "PERMIT DRIVER". The design and size of  
89 such sticker or sign shall be determined by the director by regulation. Every  
90 applicant issued a temporary instruction permit and sticker on or after January  
91 1, 2003, may display or affix the sticker or sign on the rear window of the motor  
92 vehicle. Such sticker or sign may be displayed on the rear window of the motor  
93 vehicle whenever the holder of the instruction permit operates a motor vehicle  
94 during his or her temporary permit licensure period.

95 8. Beginning July 1, 2005, the director shall verify that an applicant for  
96 an instruction permit issued under this section is lawfully present in the United  
97 States before accepting the application. The director shall not issue an  
98 instruction permit for a period that exceeds an applicant's lawful presence in the  
99 United States. The director may establish procedures to verify the lawful  
100 presence of the applicant and establish the duration of any permit issued under  
101 this section.

102 9. The director may adopt rules and regulations necessary to carry out the  
103 provisions of this section.

302.302. 1. The director of revenue shall put into effect a point system  
2 for the suspension and revocation of licenses. Points shall be assessed only after  
3 a conviction or forfeiture of collateral. The initial point value is as follows:

4 (1) Any moving violation of a state  
5 law or county or municipal or federal traffic  
6 ordinance or regulation not listed in this  
7 section, other than a violation of vehicle  
8 equipment provisions or a court-ordered  
9 supervision as provided in section 302.3032 points  
10 (except any violation of municipal stop sign  
11 ordinance where no accident is involved ..... 1 point)

12 (2) Speeding  
13 In violation of a state law..... 3 points  
14 In violation of a county or  
15 municipal ordinance..... 2 points

16 (3) Leaving the scene of an accident

17	in violation of section 577.060.....	12 points
18	In violation of any county or	
19	municipal ordinance. ....	6 points
20	(4) Careless and imprudent driving in	
21	violation of subsection 4 of section 304.016. ....	4 points
22	In violation of a county or municipal ordinance.....	2 points
23	(5) Operating without a valid license	
24	in violation of subdivision (1) or (2) of	
25	subsection 1 of section 302.020:	
26	(a) For the first conviction. ....	2 points
27	(b) For the second conviction. ....	4 points
28	(c) For the third conviction.....	6 points
29	(6) Operating with a suspended or	
30	revoked license prior to restoration of	
31	operating privileges. ....	12 points
32	(7) Obtaining a license by	
33	misrepresentation.....	12 points
34	(8) For the first conviction of	
35	driving while in an intoxicated condition	
36	or under the influence of controlled	
37	substances or drugs. ....	8 points
38	(9) For the second or subsequent	
39	conviction of any of the following offenses	
40	however combined: driving while in an	
41	intoxicated condition, driving under the	
42	influence of controlled substances or drugs	
43	or driving with a blood alcohol content of	
44	eight-hundredths of one percent or more by	
45	weight.....	12 points
46	(10) For the first conviction for	
47	driving with blood alcohol content	
48	eight-hundredths of one percent or more by	
49	weight	
50	In violation of state law. ....	8 points
51	In violation of a county or municipal	
52	ordinance or federal law or regulation.....	8 points

- 53           (11) Any felony involving the use  
54 of a motor vehicle. .... 12 points
- 55           (12) Knowingly permitting unlicensed  
56 operator to operate a motor vehicle..... 4 points
- 57           (13) For a conviction for failure to  
58 maintain financial responsibility pursuant to  
59 county or municipal ordinance or pursuant to  
60 section 303.025. .... 4 points
- 61           (14) Endangerment of a highway worker  
62 in violation of section 304.585. .... 4 points
- 63           (15) Aggravated endangerment of a  
64 highway worker in violation of section 304.585. .... 12 points
- 65           (16) For a conviction of violating a municipal  
66 ordinance that prohibits tow truck operators from  
67 stopping at or proceeding to the scene of an accident  
68 unless they have been requested to stop or proceed  
69 to such scene by a party involved in such accident  
70 or by an officer of a public safety agency..... 4 points
- 71           **(17) Endangerment of an emergency**  
72 **responder in violation of section 304.894..... 4 points**
- 73           **(18) Aggravated endangerment of**  
74 **an emergency responder in violation of**  
75 **section 304.894. .... 12 points**
- 76           2. The director shall, as provided in subdivision (5) of subsection 1 of this  
77 section, assess an operator points for a conviction pursuant to subdivision (1) or  
78 (2) of subsection 1 of section 302.020, when the director issues such operator a  
79 license or permit pursuant to the provisions of sections 302.010 to 302.340.
- 80           3. An additional two points shall be assessed when personal injury or  
81 property damage results from any violation listed in subdivisions (1) to (13) of  
82 subsection 1 of this section and if found to be warranted and certified by the  
83 reporting court.
- 84           4. When any of the acts listed in subdivision (2), (3), (4) or (8) of  
85 subsection 1 of this section constitutes both a violation of a state law and a  
86 violation of a county or municipal ordinance, points may be assessed for either  
87 violation but not for both. Notwithstanding that an offense arising out of the  
88 same occurrence could be construed to be a violation of subdivisions (8), (9) and

89 (10) of subsection 1 of this section, no person shall be tried or convicted for more  
90 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this  
91 section for offenses arising out of the same occurrence.

92 5. The director of revenue shall put into effect a system for staying the  
93 assessment of points against an operator. The system shall provide that the  
94 satisfactory completion of a driver-improvement program or, in the case of  
95 violations committed while operating a motorcycle, a motorcycle-rider training  
96 course approved by the state highways and transportation commission, by an  
97 operator, when so ordered and verified by any court having jurisdiction over any  
98 law of this state or county or municipal ordinance, regulating motor vehicles,  
99 other than a violation committed in a commercial motor vehicle as defined in  
100 section 302.700 or a violation committed by an individual who has been issued a  
101 commercial driver's license or is required to obtain a commercial driver's license  
102 in this state or any other state, shall be accepted by the director in lieu of the  
103 assessment of points for a violation pursuant to subdivision (1), (2) or (4) of  
104 subsection 1 of this section or pursuant to subsection 3 of this section. A court  
105 using a centralized violation bureau established under section 476.385 may elect  
106 to have the bureau order and verify completion of a driver-improvement program  
107 or motorcycle-rider training course as prescribed by order of the court. For the  
108 purposes of this subsection, the driver-improvement program shall meet or exceed  
109 the standards of the National Safety Council's eight-hour "Defensive Driving  
110 Course" or, in the case of a violation which occurred during the operation of a  
111 motorcycle, the program shall meet the standards established by the state  
112 highways and transportation commission pursuant to sections 302.133 to  
113 302.137. The completion of a driver-improvement program or a motorcycle-rider  
114 training course shall not be accepted in lieu of points more than one time in any  
115 thirty-six-month period and shall be completed within sixty days of the date of  
116 conviction in order to be accepted in lieu of the assessment of points. Every court  
117 having jurisdiction pursuant to the provisions of this subsection shall, within  
118 fifteen days after completion of the driver-improvement program or  
119 motorcycle-rider training course by an operator, forward a record of the  
120 completion to the director, all other provisions of the law to the contrary  
121 notwithstanding. The director shall establish procedures for record keeping and  
122 the administration of this subsection.

302.309. 1. Whenever any license is suspended pursuant to sections  
2 302.302 to 302.309, the director of revenue shall return the license to the operator

3 immediately upon the termination of the period of suspension and upon  
4 compliance with the requirements of chapter 303.

5         2. Any operator whose license is revoked pursuant to these sections, upon  
6 the termination of the period of revocation, shall apply for a new license in the  
7 manner prescribed by law.

8         3. (1) All circuit courts, the director of revenue, or a commissioner  
9 operating under section 478.007 shall have jurisdiction to hear applications and  
10 make eligibility determinations granting limited driving privileges. Any  
11 application may be made in writing to the director of revenue and the person's  
12 reasons for requesting the limited driving privilege shall be made therein.

13         (2) When any court of record having jurisdiction or the director of revenue  
14 finds that an operator is required to operate a motor vehicle in connection with  
15 any of the following:

16             (a) A business, occupation, or employment;

17             (b) Seeking medical treatment for such operator;

18             (c) Attending school or other institution of higher education;

19             (d) Attending alcohol or drug treatment programs;

20             (e) Seeking the required services of a certified ignition interlock device  
21 provider; or

22             (f) Any other circumstance the court or director finds would create an  
23 undue hardship on the operator; the court or director may grant such limited  
24 driving privilege as the circumstances of the case justify if the court or director  
25 finds undue hardship would result to the individual, and while so operating a  
26 motor vehicle within the restrictions and limitations of the limited driving  
27 privilege the driver shall not be guilty of operating a motor vehicle without a  
28 valid license.

29         (3) An operator may make application to the proper court in the county  
30 in which such operator resides or in the county in which is located the operator's  
31 principal place of business or employment. Any application for a limited driving  
32 privilege made to a circuit court shall name the director as a party defendant and  
33 shall be served upon the director prior to the grant of any limited privilege, and  
34 shall be accompanied by a copy of the applicant's driving record as certified by  
35 the director. Any applicant for a limited driving privilege shall have on file with  
36 the department of revenue proof of financial responsibility as required by chapter  
37 303. Any application by a person who transports persons or property as classified  
38 in section 302.015 may be accompanied by proof of financial responsibility as

39 required by chapter 303, but if proof of financial responsibility does not  
40 accompany the application, or if the applicant does not have on file with the  
41 department of revenue proof of financial responsibility, the court or the director  
42 has discretion to grant the limited driving privilege to the person solely for the  
43 purpose of operating a vehicle whose owner has complied with chapter 303 for  
44 that vehicle, and the limited driving privilege must state such restriction. When  
45 operating such vehicle under such restriction the person shall carry proof that the  
46 owner has complied with chapter 303 for that vehicle.

47 (4) No limited driving privilege shall be issued to any person otherwise  
48 eligible under the provisions of paragraph (a) of subdivision (6) of this subsection  
49 on a license revocation resulting from a conviction under subdivision (9) of  
50 subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of  
51 subdivision (8) of this subsection, until the applicant has filed proof with the  
52 department of revenue that any motor vehicle operated by the person is equipped  
53 with a functioning, certified ignition interlock device as a required condition of  
54 limited driving privilege.

55 (5) The court order or the director's grant of the limited or restricted  
56 driving privilege shall indicate the termination date of the privilege, which shall  
57 be not later than the end of the period of suspension or revocation. A copy of any  
58 court order shall be sent by the clerk of the court to the director, and a copy shall  
59 be given to the driver which shall be carried by the driver whenever such driver  
60 operates a motor vehicle. The director of revenue upon granting a limited driving  
61 privilege shall give a copy of the limited driving privilege to the applicant. The  
62 applicant shall carry a copy of the limited driving privilege while operating a  
63 motor vehicle. A conviction which results in the assessment of points pursuant  
64 to section 302.302, other than a violation of a municipal stop sign ordinance  
65 where no accident is involved, against a driver who is operating a vehicle  
66 pursuant to a limited driving privilege terminates the privilege, as of the date the  
67 points are assessed to the person's driving record. If the date of arrest is prior  
68 to the issuance of the limited driving privilege, the privilege shall not be  
69 terminated. Failure of the driver to maintain proof of financial responsibility, as  
70 required by chapter 303, or to maintain proof of installation of a functioning,  
71 certified ignition interlock device, as applicable, shall terminate the  
72 privilege. The director shall notify by ordinary mail the driver whose privilege  
73 is so terminated.

74 (6) Except as provided in subdivision (8) of this subsection, no person is



75 eligible to receive a limited driving privilege who at the time of application for a  
76 limited driving privilege has previously been granted such a privilege within the  
77 immediately preceding five years, or whose license has been suspended or revoked  
78 for the following reasons:

79 (a) A conviction of violating the provisions of section 577.010 or 577.012,  
80 or any similar provision of any federal or state law, or a municipal or county law  
81 where the judge in such case was an attorney and the defendant was represented  
82 by or waived the right to an attorney in writing, until the person has completed  
83 the first thirty days of a suspension or revocation imposed pursuant to this  
84 chapter;

85 (b) A conviction of any felony in the commission of which a motor vehicle  
86 was used;

87 (c) Ineligibility for a license because of the provisions of subdivision (1),  
88 (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

89 (d) Because of operating a motor vehicle under the influence of narcotic  
90 drugs, a controlled substance as defined in chapter 195, or having left the scene  
91 of an accident as provided in section 577.060;

92 (e) Due to a revocation for the first time for failure to submit to a chemical  
93 test pursuant to section 577.041 or due to a refusal to submit to a chemical test  
94 in any other state, if such person has not completed the first ninety days of such  
95 revocation;

96 (f) Violation more than once of the provisions of section 577.041 or a  
97 similar implied consent law of any other state; or

98 (g) Due to a suspension pursuant to subsection 2 of section 302.525 and  
99 who has not completed the first thirty days of such suspension, provided the  
100 person is not otherwise ineligible for a limited driving privilege; or due to a  
101 revocation pursuant to subsection 2 of section 302.525 if such person has not  
102 completed such revocation.

103 (7) No person who possesses a commercial driver's license shall receive a  
104 limited driving privilege issued for the purpose of operating a commercial motor  
105 vehicle if such person's driving privilege is suspended, revoked, canceled, denied,  
106 or disqualified. Nothing in this section shall prohibit the issuance of a limited  
107 driving privilege for the purpose of operating a noncommercial motor vehicle  
108 provided that pursuant to the provisions of this section, the applicant is not  
109 otherwise ineligible for a limited driving privilege.

110 (8) (a) Provided that pursuant to the provisions of this section, the

111 applicant is not otherwise ineligible for a limited driving privilege, a circuit court  
112 or the director may, in the manner prescribed in this subsection, allow a person  
113 who has had such person's license to operate a motor vehicle revoked where that  
114 person cannot obtain a new license for a period of ten years, as prescribed in  
115 subdivision (9) **of subsection 1** of section 302.060, to apply for a limited driving  
116 privilege pursuant to this subsection if such person has served at least three  
117 years of such disqualification or revocation. Such person shall present evidence  
118 satisfactory to the court or the director that such person has not been convicted  
119 of any offense related to alcohol, controlled substances or drugs during the  
120 preceding three years and that the person's habits and conduct show that the  
121 person no longer poses a threat to the public safety of this state. **The court or**  
122 **the director shall review the results of a criminal history check prior**  
123 **to granting any limited privilege under this subdivision. If the court**  
124 **or the director finds that the petitioner has been convicted, pled guilty**  
125 **to, or been found guilty of, or has a pending charge for any offense**  
126 **related to alcohol, controlled substances, or drugs, or has any other**  
127 **alcohol-related enforcement contact as defined in section 302.525**  
128 **during the preceding three years, the court or the director shall not**  
129 **grant a limited driving privilege to the applicant.**

130 (b) Provided that pursuant to the provisions of this section, the applicant  
131 is not otherwise ineligible for a limited driving privilege or convicted of  
132 involuntary manslaughter while operating a motor vehicle in an intoxicated  
133 condition, a circuit court or the director may, in the manner prescribed in this  
134 subsection, allow a person who has had such person's license to operate a motor  
135 vehicle revoked where that person cannot obtain a new license for a period of five  
136 years because of two convictions of driving while intoxicated, as prescribed in  
137 subdivision (10) **of subsection 1** of section 302.060, to apply for a limited driving  
138 privilege pursuant to this subsection if such person has served at least two years  
139 of such disqualification or revocation. Such person shall present evidence  
140 satisfactory to the court or the director that such person has not been convicted  
141 of any offense related to alcohol, controlled substances or drugs during the  
142 preceding two years and that the person's habits and conduct show that the  
143 person no longer poses a threat to the public safety of this state. **The court or**  
144 **the director shall review the results of a criminal history check prior**  
145 **to granting any limited privilege under this subdivision. If the court**  
146 **or director finds that the petitioner has been convicted, pled guilty to,**

147 **or been found guilty of, or has a pending charge for any offense related**  
148 **to alcohol, controlled substances, or drugs, or has any other alcohol-**  
149 **related enforcement contact as defined in section 302.525 during the**  
150 **preceding two years, the court or the director shall not grant a limited**  
151 **driving privilege to the applicant.** Any person who is denied a license  
152 permanently in this state because of an alcohol-related conviction subsequent to  
153 a restoration of such person's driving privileges pursuant to subdivision (9) of  
154 section 302.060 shall not be eligible for limited driving privilege pursuant to the  
155 provisions of this subdivision.

156 (9) A DWI docket or court established under section 478.007 may grant  
157 a limited driving privilege to a participant in or graduate of the program who  
158 would otherwise be ineligible for such privilege under another provision of  
159 law. The DWI docket or court shall not grant a limited driving privilege to a  
160 participant during his or her initial forty-five days of participation.

161 4. Any person who has received notice of denial of a request of limited  
162 driving privilege by the director of revenue may make a request for a review of  
163 the director's determination in the circuit court of the county in which the person  
164 resides or the county in which is located the person's principal place of business  
165 or employment within thirty days of the date of mailing of the notice of  
166 denial. Such review shall be based upon the records of the department of revenue  
167 and other competent evidence and shall be limited to a review of whether the  
168 applicant was statutorily entitled to the limited driving privilege.

169 5. **Any person who petitions a court or makes application with**  
170 **the director for a limited driving privilege pursuant to paragraphs (a)**  
171 **or (b) of subdivision (8) of subsection 3 of this section shall make**  
172 **application with the Missouri state highway patrol as provided in**  
173 **section 43.540 and shall submit two sets of fingerprints collected**  
174 **pursuant to standards as determined by the highway patrol. One set of**  
175 **fingerprints shall be used by the highway patrol to search the criminal**  
176 **history repository and the second set shall be forwarded to the Federal**  
177 **Bureau of Investigation for searching the federal criminal history files.**  
178 **At the time of application, the applicant shall supply to the highway**  
179 **patrol the court name and case number for the court where he or she**  
180 **has filed his or her petition for limited driving privileges. The**  
181 **applicant shall pay the fee for the state criminal history record**  
182 **information pursuant to section 43.530 and pay the appropriate fee**

183 **determined by the Federal Bureau of Investigation for the federal**  
184 **criminal history record. The Missouri highway patrol, upon receipt of**  
185 **the results of the criminal history check, shall forward the results to**  
186 **the circuit court designated by the applicant and to the**  
187 **department. Notwithstanding the provisions of section 610.120, all**  
188 **records related to any criminal history check shall be accessible and**  
189 **available to the director and the court.**

190         **6.** The director of revenue shall promulgate rules and regulations  
191 necessary to carry out the provisions of this section. Any rule or portion of a rule,  
192 as that term is defined in section 536.010, that is created under the authority  
193 delegated in this section shall become effective only if it complies with and is  
194 subject to all of the provisions of chapter 536 and, if applicable, section  
195 536.028. This section and chapter 536 are nonseverable and if any of the powers  
196 vested with the general assembly pursuant to chapter 536 to review, to delay the  
197 effective date or to disapprove and annul a rule are subsequently held  
198 unconstitutional, then the grant of rulemaking authority and any rule proposed  
199 or adopted after August 28, 2001, shall be invalid and void.

302.530. 1. Any person who has received a notice of suspension or  
2 revocation may make a request within fifteen days of receipt of the notice for a  
3 review of the department's determination at a hearing. If the person's driver's  
4 license has not been previously surrendered, it may be surrendered at the time  
5 the request for a hearing is made.

6         2. At the time the request for a hearing is made, if it appears from the  
7 record that the person is the holder of a valid driver's license issued by this state,  
8 and that the driver's license has been surrendered, the department shall issue a  
9 temporary permit which shall be valid until the scheduled date for the  
10 hearing. The department may later issue an additional temporary permit or  
11 permits in order to stay the effective date of the suspension or revocation until  
12 the final order is issued following the hearing, as required by section 302.520.

13         3. The hearing may be held by telephone, or if requested by the person,  
14 such person's attorney or representative, [in the county where the arrest was  
15 made] **at a regional location as designated by the director.** The hearing  
16 shall be conducted by examiners who are licensed to practice law in the state of  
17 Missouri and who are employed by the department on a part-time or full-time  
18 basis as the department may determine.

19         4. The sole issue at the hearing shall be whether by a preponderance of

20 the evidence the person was driving a vehicle pursuant to the circumstances set  
21 out in section 302.505. The burden of proof shall be on the state to adduce such  
22 evidence. If the department finds the affirmative of this issue, the suspension or  
23 revocation order shall be sustained. If the department finds the negative of the  
24 issue, the suspension or revocation order shall be rescinded.

25 5. The procedure at such hearing shall be conducted in accordance with  
26 chapter 536, with sections 302.500 to 302.540. A report certified under subsection  
27 2 of section 302.510 shall be admissible in a like manner as a verified report as  
28 evidence of the facts stated therein and any provision of chapter 536 to the  
29 contrary shall not apply.

30 6. The department shall promptly notify the person of its decision  
31 including the reasons for that decision. Such notification shall include a notice  
32 advising the person that the department's decision shall be final within fifteen  
33 days from the date such notice was mailed unless the person challenges the  
34 department's decision within that time period by filing an appeal in the circuit  
35 court in the county where the arrest occurred.

36 7. Unless the person, within fifteen days after being notified of the  
37 department's decision, files an appeal for judicial review pursuant to section  
38 302.535, the decision of the department shall be final.

39 8. The director may adopt any rules and regulations necessary to carry  
40 out the provisions of this section.

**304.033. 1. No person shall operate a recreational off-highway  
2 vehicle, as defined in section 301.010, upon the highways of this state,  
3 except as follows:**

4 **(1) Recreational off-highway vehicles owned and operated by a  
5 governmental entity for official use;**

6 **(2) Recreational off-highway vehicles operated for agricultural  
7 purposes or industrial on-premises purposes between the official  
8 sunrise and sunset on the day of operation;**

9 **(3) Recreational off-highway vehicles operated within three miles  
10 of the operator's primary residence;**

11 **(4) Recreational off-highway vehicles operated by handicapped  
12 persons for short distances occasionally only on the state's secondary  
13 roads when operated between the hours of sunrise and sunset.**

14 **2. No person shall operate a recreational off-highway vehicle  
15 within any stream or river in this state, except that recreational**

16 off-highway vehicles may be operated within waterways which flow  
17 within the boundaries of land which a recreational off-highway vehicle  
18 operator owns, or for agricultural purposes within the boundaries of  
19 land which a recreational off-highway vehicle operator owns or has  
20 permission to be upon, or for the purpose of fording such stream or  
21 river of this state at such road crossings as are customary or part of the  
22 highway system. All law enforcement officials or peace officers of this  
23 state and its political subdivisions or department of conservation  
24 agents or department of natural resources park rangers shall enforce  
25 the provisions of this subsection within the geographic area of their  
26 jurisdiction.

27 3. A person operating a recreational off-highway vehicle on a  
28 highway pursuant to an exception covered in this section shall have a  
29 valid operator's or chauffeur's license, except that a handicapped  
30 person operating such vehicle pursuant to subdivision (4) of subsection  
31 1 of this section, but shall not be required to have passed an  
32 examination for the operation of a motorcycle. An individual shall not  
33 operate a recreational off-highway vehicle upon a highway in this state  
34 without displaying a lighted headlamp and a lighted tail lamp. A  
35 person may not operate a recreational off-highway vehicle upon a  
36 highway of this state unless such person wears a seat belt. When  
37 operated on a highway, a recreational off-highway vehicle shall be  
38 equipped with a roll bar or roll cage construction to reduce the risk of  
39 injury to an occupant of the vehicle in case of the vehicle's rollover.

40 4. No persons shall operate a recreational off-highway vehicle:  
41 (1) In any careless way so as to endanger the person or property  
42 of another;

43 (2) While under the influence of alcohol or any controlled  
44 substance.

45 5. A violation of this section shall be a class C misdemeanor. In  
46 addition to other legal remedies, the attorney general or county  
47 prosecuting attorney may institute a civil action in a court of  
48 competent jurisdiction for injunctive relief to prevent such violation or  
49 future violations and for the assessment of a civil penalty not to exceed  
50 one thousand dollars per day of violation.

304.190. 1. No motor vehicle, unladen or with load, operating exclusively  
2 within the corporate limits of cities containing seventy-five thousand inhabitants

3 or more or within two miles of the corporate limits of the city or within the  
4 commercial zone of the city shall exceed fifteen feet in height.

5 2. No motor vehicle operating exclusively within any said area shall have  
6 a greater weight than twenty-two thousand four hundred pounds on one axle.

7 3. The "commercial zone" of the city is defined to mean that area within  
8 the city together with the territory extending one mile beyond the corporate limits  
9 of the city and one mile additional for each fifty thousand population or portion  
10 thereof provided, however[,];

11 (1) The commercial zone surrounding a city not within a county shall  
12 extend twenty-five miles beyond the corporate limits of any such city not located  
13 within a county and shall also extend throughout any county with a charter form  
14 of government which adjoins that city and throughout any county with a charter  
15 form of government and with more than two hundred fifty thousand but fewer  
16 than three hundred fifty thousand inhabitants that is adjacent to such county  
17 adjoining such city; [further, provided, however,]

18 (2) The commercial zone of a city with a population of at least four  
19 hundred thousand inhabitants but not more than four hundred fifty thousand  
20 inhabitants shall extend twelve miles beyond the corporate limits of any such  
21 city; except that this zone shall extend from the southern border of such city's  
22 limits, beginning with the western-most freeway, following said freeway south to  
23 the first intersection with a multilane undivided highway, where the zone shall  
24 extend south along said freeway to include a city of the fourth classification with  
25 more than eight thousand nine hundred but less than nine thousand inhabitants,  
26 and shall extend north from the intersection of said freeway and multilane  
27 undivided highway along the multilane undivided highway to the city limits of  
28 a city with a population of at least four hundred thousand inhabitants but not  
29 more than four hundred fifty thousand inhabitants, and shall extend east from  
30 the city limits of a special charter city with more than two hundred seventy-five  
31 but fewer than three hundred seventy-five inhabitants along state route 210 and  
32 northwest from the intersection of state route 210 and state route 10 to include  
33 the boundaries of any city of the third classification with more than ten thousand  
34 eight hundred but fewer than ten thousand nine hundred inhabitants and located  
35 in more than one county[; further provided, however,]. **The commercial zone**  
36 **described in this subdivision shall be extended to also include the**  
37 **stretch of state route 45 from its intersection with Interstate 29**  
38 **extending northwest to the city limits of any village with more than**

39 **forty but fewer than fifty inhabitants and located in any county of the**  
40 **first classification with more than eighty-three thousand but fewer than**  
41 **ninety-two thousand inhabitants and with a city of the fourth**  
42 **classification with more than four thousand five hundred but fewer**  
43 **than five thousand inhabitants as the county seat;**

44       **(3)** The commercial zone of a city of the third classification with more  
45 than nine thousand six hundred fifty but fewer than nine thousand eight hundred  
46 inhabitants shall extend south from the city limits along U.S. Highway 61 to the  
47 intersection of state route OO in a county of the third classification without a  
48 township form of government and with more than seventeen thousand eight  
49 hundred but fewer than seventeen thousand nine hundred inhabitants.

50       **4.** In no case shall the commercial zone of a city be reduced due to a loss  
51 of population. The provisions of this section shall not apply to motor vehicles  
52 operating on the interstate highways in the area beyond two miles of a corporate  
53 limit of the city unless the United States Department of Transportation increases  
54 the allowable weight limits on the interstate highway system within commercial  
55 zones. In such case, the mileage limits established in this section shall be  
56 automatically increased only in the commercial zones to conform with those  
57 authorized by the United States Department of Transportation.

58       **[4.] 5.** Nothing in this section shall prevent a city, county, or  
59 municipality, by ordinance, from designating the routes over which such vehicles  
60 may be operated.

61       **[5.] 6.** No motor vehicle engaged in interstate commerce, whether  
62 unladen or with load, whose operations in the state of Missouri are limited  
63 exclusively to the commercial zone of a first class home rule municipality located  
64 in a county with a population between eighty thousand and ninety-five thousand  
65 inhabitants which has a portion of its corporate limits contiguous with a portion  
66 of the boundary between the states of Missouri and Kansas, shall have a greater  
67 weight than twenty-two thousand four hundred pounds on one axle, nor shall  
68 exceed fifteen feet in height.

304.351. 1. The driver of a vehicle approaching an intersection shall yield  
2 the right-of-way to a vehicle which has entered the intersection from a different  
3 highway, provided, however, there is no form of traffic control at such  
4 intersection.

5       2. When two vehicles enter an intersection from different highways at  
6 approximately the same time, the driver of the vehicle on the left shall yield the



7 right-of-way to the driver of the vehicle on the right. This subsection shall not  
8 apply to vehicles approaching each other from opposite directions when the driver  
9 of one of such vehicles is attempting to or is making a left turn.

10 3. The driver of a vehicle within an intersection intending to turn to the  
11 left shall yield the right-of-way to any vehicle approaching from the opposite  
12 direction which is within the intersection or so close thereto as to constitute an  
13 immediate hazard.

14 4. (1) The state highways and transportation commission with reference  
15 to state highways and local authorities with reference to other highways under  
16 their jurisdiction may designate through highways and erect stop signs or yield  
17 signs at specified entrances thereto, or may designate any intersection as a stop  
18 intersection or as a yield intersection and erect stop signs or yield signs at one  
19 or more entrances to such intersection.

20 (2) Preferential right-of-way at an intersection may be indicated by stop  
21 signs or yield signs as authorized in this section:

22 (a) Except when directed to proceed by a police officer or traffic-control  
23 signal, every driver of a vehicle approaching a stop intersection, indicated by a  
24 stop sign, shall stop at a clearly marked stop line, but if none, before entering the  
25 crosswalk on the near side of the intersection, or if none, then at the point  
26 nearest the intersecting roadway where the driver has a view of approaching  
27 traffic in the intersecting roadway before entering the intersection. After having  
28 stopped, the driver shall yield the right-of-way to any vehicle which has entered  
29 the intersection from another highway or which is approaching so closely on the  
30 highway as to constitute an immediate hazard during the time when such driver  
31 is moving across or within the intersection.

32 (b) The driver of a vehicle approaching a yield sign shall in obedience to  
33 the sign slow down to a speed reasonable to the existing conditions and, if  
34 required for safety to stop, shall stop at a clearly marked stop line, but if none,  
35 then at the point nearest the intersecting roadway where the driver has a view  
36 of approaching traffic on the intersecting roadway. After slowing or stopping the  
37 driver shall yield the right-of-way to any vehicle in the intersection or  
38 approaching on another highway so closely as to constitute an immediate hazard  
39 during the time such traffic is moving across or within the intersection.

40 5. The driver of a vehicle about to enter or cross a highway from an alley,  
41 building or any private road or driveway shall yield the right-of-way to all  
42 vehicles approaching on the highway to be entered.

43           6. The driver of a vehicle intending to make a left turn into an alley,  
44 private road or driveway shall yield the right-of-way to any vehicle approaching  
45 from the opposite direction when the making of such left turn would create a  
46 traffic hazard.

47           7. The state highways and transportation commission or local authorities  
48 with respect to roads under their respective jurisdictions, on any section where  
49 construction or major maintenance operations are being effected, may fix a speed  
50 limit in such areas by posting of appropriate signs, and the operation of a motor  
51 vehicle in excess of such speed limit in the area so posted shall be deemed prima  
52 facie evidence of careless and imprudent driving and a violation of section  
53 304.010.

54           8. Notwithstanding the provisions of section 304.361, violation of this  
55 section shall be deemed a class C misdemeanor.

56           9. In addition to the penalty specified in subsection 8 of this section, any  
57 person who pleads guilty to or is found guilty of a violation of this section in  
58 which the offender is found to have caused physical injury, there shall be  
59 assessed a penalty of up to [two hundred] **one thousand** dollars, **but no less**  
60 **than five hundred dollars.** The court may issue an order of suspension of such  
61 person's driving privilege for a period of thirty days.

62           10. In addition to the penalty specified in subsection 8 of this section, any  
63 person who pleads guilty to or is found guilty of a violation of this section in  
64 which the offender is found to have caused serious physical injury, there shall be  
65 assessed a penalty of up to [five hundred] **three thousand** dollars, **but no less**  
66 **than one thousand dollars.** The court [may] **shall** issue an order of  
67 suspension of such person's driving privilege for a period of ninety days.

68           11. In addition to the penalty specified in subsection 8 of this section, any  
69 person who pleads guilty to or is found guilty of a violation of this section in  
70 which the offender is found to have caused a fatality, there shall be assessed a  
71 penalty of up to [one] **ten thousand** dollars, **but no less than five thousand**  
72 **dollars.** The court [may] **shall** issue an order of suspension of such person's  
73 driving privilege for a period of **up to one year, but no less than** six  
74 months. **Such person shall also be required to participate in and**  
75 **successfully complete a driver-improvement program approved by the**  
76 **director of the department of revenue.**

77           12. As used in subsections 9 and 10 of this section, the terms "physical  
78 injury" and "serious physical injury" shall have the meanings ascribed to them

79 in section 556.061.

80           13. For any court-ordered suspension under subsection 9, 10, or 11 of this  
81 section, the director of the department shall impose such suspension as set forth  
82 in the court order. The order of suspension shall include the name of the  
83 offender, the offender's driver's license number, Social Security number, and the  
84 effective date of the suspension. Any appeal of a suspension imposed under  
85 subsection 9, 10, or 11 of this section shall be a direct appeal of the court order  
86 and subject to review by the presiding judge of the circuit court or another judge  
87 within the circuit other than the judge who issued the original order to suspend  
88 the driver's license. The director of revenue's entry of the court-ordered  
89 suspension on the driving record is not a decision subject to review under section  
90 302.311. Any suspension of the driver's license ordered by the court under this  
91 section shall be in addition to any other suspension that may occur as a result of  
92 the conviction under other provisions of law.

**304.890. As used in sections 304.890 to 304.894, the following**  
2 **terms shall mean:**

3           (1) "Active emergency", any incident occurring on a highway, as  
4 the term "highway" is defined in section 302.010, that requires  
5 emergency services from any emergency responder;

6           (2) "Active emergency zone", any area upon or around any  
7 highway, which is visibly marked by emergency responders performing  
8 work for the purpose of emergency response, and where an active  
9 emergency, or incident removal, is temporarily occurring. This area  
10 includes the lanes of highway leading up to an active emergency or  
11 incident removal, beginning within three hundred feet of visual  
12 sighting of:

13           (a) Appropriate signs or traffic control devices posted or placed  
14 by emergency responders; or

15           (b) An emergency vehicle displaying active emergency lights or  
16 signals;

17           (3) "Emergency responder", any law enforcement officer, paid or  
18 volunteer firefighter, first responder, emergency medical worker, tow  
19 truck operator, or other emergency personnel responding to an  
20 emergency on a highway.

**304.892. 1. Upon the first conviction, finding of guilt, or plea of**  
2 **guilty by any person for a moving violation, as the term "moving**

3 violation" is defined in section 302.010, or any offense listed in section  
4 302.302, other than a violation described in subsection 2 of this section,  
5 when the violation or offense occurs within an active emergency zone,  
6 the court shall assess a fine of thirty-five dollars in addition to any  
7 other fine authorized by law. Upon a second or subsequent conviction,  
8 finding of guilt, or plea of guilty, the court shall assess a fine of  
9 seventy-five dollars in addition to any other fine authorized by law.

10 2. Upon the first conviction, finding of guilt, or plea of guilty by  
11 any person for a speeding violation under either section 304.009 or  
12 304.010, or a passing violation under subsection 3 of this section, when  
13 the violation or offense occurs within an active emergency zone and  
14 emergency responders were present in such zone at the time of the  
15 offense or violation, the court shall assess a fine of two hundred fifty  
16 dollars in addition to any other fine authorized by law. Upon a second  
17 or subsequent conviction, finding of guilt, or plea of guilty, the court  
18 shall assess a fine of three hundred dollars in addition to any other fine  
19 authorized by law. However, no person assessed an additional fine  
20 under this subsection shall also be assessed an additional fine under  
21 subsection 1 of this section.

22 3. The driver of a motor vehicle may not overtake or pass  
23 another motor vehicle within an active emergency zone. Violation of  
24 this subsection is a class C misdemeanor.

25 4. The additional fines imposed by this section shall not be  
26 construed to enhance the assessment of court costs or the assessment  
27 of points under section 302.302.

304.894. 1. A person commits the offense of endangerment of an  
2 emergency responder for any of the following offenses when the offense  
3 occurs within an active emergency zone:

4 (1) Exceeding the posted speed limit by fifteen miles per hour or  
5 more;

6 (2) Passing in violation of subsection 3 of section 304.892;

7 (3) Failure to stop for an active emergency zone flagman or  
8 emergency responder, or failure to obey traffic control devices erected,  
9 or personnel posted, in the active emergency zone for purposes of  
10 controlling the flow of motor vehicles through the zone;

11 (4) Driving through or around an active emergency zone via any  
12 lane not clearly designated for motorists to control the flow of traffic

13 through or around the active emergency zone;

14 (5) Physically assaulting, attempting to assault, or threatening  
15 to assault an emergency responder with a motor vehicle or other  
16 instrument;

17 (6) Intentionally striking, moving, or altering barrels, barriers,  
18 signs, or other devices erected to control the flow of traffic to protect  
19 emergency responders and motorists unless the action was necessary  
20 to avoid an obstacle, an emergency, or to protect the health and safety  
21 of an occupant of the motor vehicle or of another person; or

22 (7) Committing any of the following offenses for which points  
23 may be assessed under section 302.302:

24 (a) Leaving the scene of an accident in violation of section  
25 577.060;

26 (b) Careless and imprudent driving in violation of subsection 4  
27 of section 304.016;

28 (c) Operating without a valid license in violation of subdivision  
29 (1) or (2) of subsection 1 of section 302.020;

30 (d) Operating with a suspended or revoked license;

31 (e) Driving while in an intoxicated condition or under the  
32 influence of controlled substances or drugs or driving with an excessive  
33 blood alcohol content;

34 (f) Any felony involving the use of a motor vehicle.

35 2. Upon a finding of guilt or a plea of guilty for committing the  
36 offense of endangerment of an emergency responder under subsection  
37 1 of this section, if no injury or death to an emergency responder  
38 resulted from the offense, the court shall assess a fine of not more than  
39 one thousand dollars, and four points shall be assessed to the operator's  
40 license pursuant to section 302.302.

41 3. A person commits the offense of aggravated endangerment of  
42 an emergency responder upon a finding of guilt or a plea of guilty for  
43 any offense under subsection 1 of this section when such offense results  
44 in the injury or death of an emergency responder. Upon a finding of  
45 guilt or a plea of guilty for committing the offense of aggravated  
46 endangerment of an emergency responder, in addition to any other  
47 penalty authorized by law, the court shall assess a fine of not more  
48 than five thousand dollars if the offense resulted in injury to an  
49 emergency responder, and ten thousand dollars if the offense resulted

50 in the death of an emergency responder. In addition, twelve points  
51 shall be assessed to the operator's license pursuant to section 302.302.

52 4. Except for the offense established under subdivision (6) of  
53 subsection 1 of this section, no person shall be deemed to have  
54 committed the offense of endangerment of an emergency responder  
55 except when the act or omission constituting the offense occurred when  
56 one or more emergency responders were responding to an active  
57 emergency.

58 5. No person shall be cited for, or found guilty of, endangerment  
59 of an emergency responder or aggravated endangerment of an  
60 emergency responder, for any act or omission otherwise constituting  
61 an offense under subsection 1 of this section, if such act or omission  
62 resulted in whole or in part from mechanical failure of the person's  
63 vehicle, or from the negligence of another person or emergency  
64 responder.

306.127. 1. Beginning January 1, 2005, every person born after January  
2 1, 1984, or as required pursuant to section 306.128, who operates a vessel on the  
3 lakes of this state shall possess, on the vessel, a boating safety identification card  
4 issued by the Missouri state water patrol or its agent which shows that he or she  
5 has:

6 (1) Successfully completed a boating safety course approved by the  
7 National Association of State Boating Law Administrators and certified by the  
8 Missouri state water patrol. The boating safety course may include a course  
9 sponsored by the United States Coast Guard Auxiliary or the United States  
10 Power Squadron. The Missouri state water patrol may appoint agents to  
11 administer a boater education course or course equivalency examination and issue  
12 boater identification cards under guidelines established by the water patrol. The  
13 Missouri state water patrol shall maintain a list of approved courses; or

14 (2) Successfully passed an equivalency examination prepared by the  
15 Missouri state water patrol and administered by the Missouri state water patrol  
16 or its agent. The equivalency examination shall have a degree of difficulty equal  
17 to, or greater than, that of the examinations given at the conclusion of an  
18 approved boating safety course; or

19 (3) A valid master's, mate's, or operator's license issued by the United  
20 States Coast Guard.

21 2. The Missouri state water patrol or its agent shall issue a permanent

22 boating safety identification card to each person who complies with the  
23 requirements of this section which is valid for life unless invalidated pursuant to  
24 law.

25         3. The Missouri state water patrol may charge a fee for such card or any  
26 replacement card that does not substantially exceed the costs of administering  
27 this section. The Missouri state water patrol or its designated agent shall collect  
28 such fees. These funds shall be forwarded to general revenue.

29         4. The provisions of this section shall not apply to any person who:

30             (1) Is licensed by the United States Coast Guard to serve as master of a  
31 vessel;

32             (2) Operates a vessel only on a private lake or pond that is not classified  
33 as waters of the state;

34             (3) Until January 1, 2006, is a nonresident who is visiting the state for  
35 sixty days or less;

36             (4) Is participating in an event or regatta approved by the water patrol;

37             (5) Is a nonresident who has proof of a valid boating certificate or license  
38 issued by another state if the boating course is approved by the National  
39 Association of State Boating Law Administrators (NASBLA);

40             (6) Is exempted by rule of the water patrol;

41             (7) Is currently serving in any branch of the United States armed forces,  
42 reserves, or Missouri national guard, or any spouse of a person currently in such  
43 service; or

44             (8) Has previously successfully completed a boating safety education  
45 course approved by the National Association of State Boating Law Administrators  
46 (NASBLA).

47         5. The Missouri state water patrol shall inform other states of the  
48 requirements of this section.

49         6. No individual shall be detained or stopped strictly for the purpose of  
50 checking whether the individual possesses a boating safety identification card or  
51 a temporary boater education permit.

52         7. [Beginning January 1, 2006, any nonresident born after January 1,  
53 1984, desiring to operate a rental vessel on the lakes of this state, may obtain a  
54 temporary boater education permit by completing and passing a written  
55 examination developed by the Missouri state water patrol, provided the person  
56 meets the minimum age requirements for operating a vessel in this state. The  
57 Missouri state water patrol is authorized to promulgate rules for developing the

58 examination and any requirements necessary for issuance of the temporary boater  
59 education permit. The temporary boater education permit shall expire when the  
60 nonresident obtains a permanent identification card pursuant to subsection 2 of  
61 this section or thirty days after issuance, whichever occurs first. The Missouri  
62 state water patrol may charge a fee not to exceed ten dollars for such temporary  
63 permit. Upon successful completion of an examination and prior to renting a  
64 vessel, the business entity responsible for giving the examination shall collect  
65 such fee and forward all collected fees to the Missouri state water patrol on a  
66 monthly basis for deposit in the state general revenue fund. Such business entity  
67 shall incur no additional liability in accepting the responsibility for administering  
68 the examination. This subsection shall terminate on December 31, 2010.] **Any**  
69 **person or company that rents or sells vessels may issue a temporary**  
70 **boating safety identification card to a nonresident of the state to**  
71 **operate a rented vessel or a vessel being considered for sale, for a**  
72 **period of up to seven days, provided that the individual meets the**  
73 **minimum age requirements for operating a vessel in this state. In**  
74 **order to qualify for the temporary boating safety identification card,**  
75 **the applicant shall provide a valid driver's license establishing that the**  
76 **applicant is a nonresident and shall sign an affidavit that he or she has**  
77 **reviewed the Missouri State Highway Patrol Handbook of Missouri**  
78 **Boating Laws and Responsibilities. Any nonresident holding a valid**  
79 **temporary boating safety identification card shall be deemed in**  
80 **compliance with the requirements of this section. The Missouri state**  
81 **highway patrol shall charge a fee of nine dollars for such temporary**  
82 **boating safety identification card. Nonresidents shall not be eligible**  
83 **for more than one temporary boating safety identification card. No**  
84 **person or company may issue a temporary boating safety identification**  
85 **card to a nonresident under the provisions of this subsection unless**  
86 **such person or company is capable of submitting the applicant's**  
87 **temporary boating safety identification card information and payment**  
88 **in an electronic format as prescribed by the Missouri state highway**  
89 **patrol. The business entity issuing a temporary boating safety**  
90 **identification card to a nonresident under the provisions of this**  
91 **subsection shall transmit the applicant's temporary boating safety**  
92 **identification card information electronically to the Missouri state**  
93 **highway patrol, in a manner and format prescribed by the**  
94 **superintendent, using an electronic online registration process**



95 **developed and provided by the Missouri state highway patrol. The**  
96 **electronic online process developed and provided by the Missouri state**  
97 **highway patrol shall allow the applicant to pay the temporary boating**  
98 **safety identification card fee by credit card or debit**  
99 **card. Notwithstanding any provision in section 306.185 to the contrary,**  
100 **all fees collected under the authority of this subsection shall be**  
101 **deposited in the water patrol division fund. The Missouri state**  
102 **highway patrol shall promulgate rules for developing the temporary**  
103 **boating safety identification card and any requirements necessary to**  
104 **the issuance, processing, and payment of the temporary boating safety**  
105 **identification card. The Missouri state highway patrol shall, by rule,**  
106 **develop a boating safety checklist for each applicant seeking a**  
107 **temporary boating safety identification card. The provisions of this**  
108 **subsection shall expire on December 31, 2022.**

307.365. 1. No permit for an official inspection station shall be assigned  
2 or transferred or used at any location other than therein designated and every  
3 permit shall be posted in a conspicuous place at the location designated. The  
4 superintendent of the Missouri state highway patrol shall design and furnish  
5 each official inspection station, at no cost, one official sign made of metal or other  
6 durable material to be displayed in a conspicuous location to designate the station  
7 as an official inspection station. Additional signs may be obtained by an official  
8 inspection station for a fee equal to the cost to the state. Each inspection station  
9 shall also be supplied with one or more posters which must be displayed in a  
10 conspicuous location at the place of inspection and which informs the public that  
11 required repairs or corrections need not be made at the inspection station.

12 2. No person operating an official inspection station pursuant to the  
13 provisions of sections 307.350 to 307.390 may issue a certificate of inspection and  
14 approval for any vehicle except upon an official form furnished by the  
15 superintendent of the Missouri state highway patrol for that purpose and only  
16 after inspecting the vehicle and determining that its brakes, lighting equipment,  
17 signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires,  
18 wheels, exhaust system, glazing, air pollution control devices, fuel system and any  
19 other safety equipment as required by the state are in proper condition and  
20 adjustment to be operated upon the public highways of this state with safety to  
21 the driver or operator, other occupants therein, as well as other persons and  
22 property upon the highways, as provided by sections 307.350 to 307.390 and the

23 regulations prescribed by the superintendent of the Missouri state highway  
24 patrol. Brakes may be inspected for safety by means of visual inspection or  
25 computerized brake testing. No person operating an official inspection station  
26 shall furnish, loan, give or sell a certificate of inspection and approval to any  
27 other person except those entitled to receive it under provisions of sections  
28 307.350 to 307.390. No person shall have in such person's possession any  
29 certificate of inspection and approval and/or inspection sticker with knowledge  
30 that the certificate and/or inspection sticker has been illegally purchased, stolen  
31 or counterfeited.

32           3. The superintendent of the Missouri state highway patrol may require  
33 officially designated stations to furnish reports upon forms furnished by the  
34 superintendent for that purpose as the superintendent considers reasonably  
35 necessary for the proper and efficient administration of sections 307.350 to  
36 307.390.

37           4. If, upon inspection, defects or unsafe conditions are found, the owner  
38 may correct them or shall have them corrected at any place the owner chooses  
39 within twenty days after the defect or unsafe condition is found, and shall have  
40 the right to remove the vehicle to such place for correction, but before the vehicle  
41 is operated thereafter upon the public highways of this state, a certificate of  
42 inspection and approval must be obtained. The inspecting personnel of the  
43 official inspection station must inform the owner that the corrections need not be  
44 made at the inspection station.

45           5. A fee, not to exceed twelve dollars, as determined by each official  
46 inspection station, may be charged by an official inspection station for each  
47 official inspection including the issuance of the certificate of inspection and  
48 approval, sticker, seal or other device and a total fee, not to exceed ten dollars,  
49 as determined by each official inspection station, may be charged for an official  
50 inspection of a trailer or motorcycle, which shall include the issuance of the  
51 certificate of inspection and approval, sticker, seal or other device. Such fee shall  
52 be conspicuously posted on the premises of each such official inspection station.  
53 No owner shall be charged an additional inspection fee upon having corrected  
54 defects or unsafe conditions found in an inspection completed within the previous  
55 twenty consecutive days, excluding Saturdays, Sundays and holidays, if such  
56 follow-up inspection is made by the station making the initial inspection. Every  
57 inspection for which a fee is charged shall be a complete inspection, and upon  
58 completion of the inspection, if any defects are found the owner of the vehicle

59 shall be furnished a list of the defects and a receipt for the fee paid for the  
60 inspection. If the owner of a vehicle decides to have any necessary repairs or  
61 corrections made at the official inspection station, the owner shall be furnished  
62 a written estimate of the cost of such repairs before such repairs or corrections  
63 are made by the official inspection station. The written estimate shall have  
64 plainly written upon it that the owner understands that the corrections need not  
65 be made by the official inspection station and shall have a signature line for the  
66 owner. The owner must sign below the statement on the signature line before  
67 any repairs are made.

68         6. Certificates of inspection and approval, sticker, seal or other device  
69 shall be purchased by the official inspection stations from the superintendent of  
70 the Missouri state highway patrol. The superintendent of the Missouri state  
71 highway patrol shall collect a fee of one dollar and fifty cents for each certificate  
72 of inspection, sticker, seal or other device issued to the official inspection stations,  
73 except that no charge shall be made for certificates of inspection, sticker, seal or  
74 other device issued to official inspection stations operated by governmental  
75 entities. All fees collected shall be deposited in the state treasury with one dollar  
76 of each fee collected credited to the state highway fund and, for the purpose of  
77 administering and enforcing the state motor vehicle laws and traffic regulations,  
78 fifty cents credited to the "Highway Patrol Inspection Fund" which is hereby  
79 created. The moneys collected and deposited in the highway patrol inspection  
80 fund shall be expended subject to appropriations by the general assembly for the  
81 administration and enforcement of sections 307.350 to 307.390 by the Missouri  
82 state highway patrol. The unexpended balance in the fund at the end of each  
83 biennium exceeding the amount of the appropriations from the fund for the first  
84 two fiscal years shall be transferred to the state road fund, and the provisions of  
85 section 33.080, relating to the transfer of funds to the general revenue fund at the  
86 end of the biennium, shall not apply to the fund.

87         7. The owner or operator of any inspection station who discontinues  
88 operation during the period that a station permit is valid or whose station permit  
89 is suspended or revoked shall return all official signs and posters and any current  
90 unused inspection stickers, seals or other devices to the superintendent of the  
91 Missouri state highway patrol and shall receive a full refund on request except  
92 for official signs and posters, provided the request is made during the calendar  
93 year or within sixty days thereafter in the manner prescribed by the  
94 superintendent of the Missouri state highway patrol. Stations which have a valid

95 permit shall exchange unused previous year issue inspection stickers and/or  
96 decals for an identical number of current year issue, provided the unused stickers  
97 and/or decals are submitted for exchange not later than April thirtieth of the  
98 current calendar year, in the manner prescribed by the superintendent of the  
99 Missouri state highway patrol.

100 8. Notwithstanding the provisions of section 307.390 to the contrary, a  
101 violation of this section shall be a class C misdemeanor.

102 **9. The owner or operator of any inspection station shall maintain**  
103 **liability insurance at all times to cover possible damage to vehicles**  
104 **during the inspection process.**

390.020. As used in this chapter, unless the context clearly requires  
2 otherwise, the words and terms mean:

3 (1) "Agricultural commodities in bulk", commodities conforming to the  
4 meaning of "commodities in bulk" as defined in this section, which are  
5 agricultural, horticultural, viticultural or forest products or any other products  
6 which are grown or produced on a farm or in a forest, and which have not  
7 undergone processing at any time since movement from the farm or forest, or  
8 processed or unprocessed grain, feed, feed ingredients, or forest products;

9 (2) "Certificate", a written document authorizing a common carrier to  
10 engage in intrastate commerce and issued under the provisions of this chapter;

11 (3) "Charter service", the transportation of a group of persons who,  
12 pursuant to a common purpose and at a fixed charge for the vehicle, have  
13 acquired the exclusive use of a passenger-carrying motor vehicle to travel  
14 together as a group from a point of origin to a specified destination or for a  
15 particular itinerary, either agreed upon in advance or modified by the chartering  
16 group after having left the place of origin;

17 (4) "Commercial zone", unless otherwise increased pursuant to the  
18 provisions of subdivision (4) of section 390.041, any municipality within this state  
19 together with that territory either within or without the state of Missouri,  
20 extending one mile beyond the corporate limits of such municipality and one  
21 additional mile for each fifty thousand inhabitants or portion thereof; however,  
22 any commercial zone of a city not within a county shall extend eighteen miles  
23 beyond that city's corporate limits and shall also extend throughout any first  
24 class charter county which adjoins that zone;

25 (5) "Commodities in bulk", commodities, which are fungible, flowable,  
26 capable of being poured or dumped, tendered for transportation unpackaged,

27 incapable of being counted, but are weighed or measured by volume and which  
28 conform to the shape of the vehicle transporting them;

29 (6) "Common carrier", any person [which holds itself out to the general  
30 public to engage] **who engages** in the transportation by motor vehicle of  
31 passengers or property for hire or compensation upon the public highways and  
32 airlines engaged in intrastate commerce;

33 (7) "Contract carrier", any person under individual contracts or  
34 agreements which engage in transportation by motor vehicles of passenger or  
35 property for hire or compensation upon the public highways;

36 (8) "Corporate family", a group of corporations consisting of a parent  
37 corporation and all subsidiaries in which the parent corporation owns directly or  
38 indirectly a one hundred percent interest;

39 (9) "Division", the division of motor carrier and railroad safety of the  
40 department of transportation;

41 (10) "Driveaway operator":

42 (a) Any motor carrier who moves any commercial motor vehicle or  
43 assembled automobile singly under its own power or in any other combination of  
44 two or more vehicles under the power of one of said vehicles upon any public  
45 highway for the purpose of delivery for sale or for delivery either before or after  
46 sale;

47 (b) A person engaged in the business of furnishing drivers and operators  
48 for the purpose of transporting vehicles in transit from one place to another by  
49 the driveaway or towaway methods; or

50 (c) A person who is lawfully engaged in the business of transporting or  
51 delivering vehicles that are not the person's own and vehicles of a type otherwise  
52 required to be registered, by the driveaway or towaway methods, from a point of  
53 manufacture, assembly or distribution or from the owner of the vehicles to a  
54 dealer or sales agent of a manufacturer or to any consignee designated by the  
55 shipper or consignor;

56 (11) "Dump truck", any open-top vehicle, including dump trailers, and  
57 those trailers commonly referred to as hopper trailers and/or belly dump trailers,  
58 that discharges its load by tipping or opening the body in such a manner that the  
59 load is ejected or dumped by gravity but does not include tank or other closed-top  
60 vehicles, or vehicles that discharge cargo by means of an auger, conveyor belt, air  
61 pressure, pump or other mechanical means;

62 (12) "Household goods", personal effects and property used or to be used

63 in a dwelling when a part of the equipment or supply of such dwelling; new or  
64 used furniture; store or office furniture or fixtures; equipment of museums,  
65 institutions, hospitals and other establishments; and articles, which because of  
66 their unusual nature or value require specialized handling and equipment usually  
67 employed in moving household goods;

68 (13) "Interstate commerce", commerce between a point in this state and  
69 a point outside this state, or between points outside this state when such  
70 commerce moves through this state whether such commerce moves wholly by  
71 motor vehicle or partly by motor vehicle and partly by any other regulated means  
72 of transportation where the commodity does not come to rest or change its  
73 identity during the movement;

74 (14) "Intrastate commerce", commerce moving wholly between points  
75 within this state, whether such commerce moves wholly by motor vehicle or partly  
76 by motor vehicle and partly by any other means of transportation;

77 (15) "Irregular route", the course or line of travel to be used by a motor  
78 carrier's vehicle when not restricted to any specific route or routes within the  
79 area the motor carrier is authorized to serve;

80 (16) "Less-than-truckload lots", lots of freight, other than a truckload lot,  
81 being transported on the motor vehicle at one time;

82 (17) "Mobile home", house trailers, cabin trailers, bungalow trailers,  
83 mobile homes and any other transportable building unit designed to be used for  
84 residential, commercial, industrial or recreational purposes, including special  
85 equipment, wheels, tires, axles, springs, racks, undercarriages and undersupports  
86 used or useful in connection with the transportation of mobile homes when  
87 transported as part of the transportation of mobile homes;

88 (18) "Motor carrier", any person engaged in the transportation of property  
89 or passengers, or both, for compensation or hire, over the public roads of this  
90 state by motor vehicle. The term includes both common and contract carriers;

91 (19) "Motor vehicle", any vehicle, truck, truck-tractor, trailer, or  
92 semitrailer, motor bus or any self-propelled vehicle used upon the highways of the  
93 state in the transportation of property or passengers;

94 (20) "Party", any person admitted as a party to a division proceeding or  
95 seeking and entitled as a matter of right to admission to a division proceeding;

96 (21) "Permit", a permit issued under the provisions of this chapter to a  
97 contract carrier to engage in intrastate or interstate commerce or to a common  
98 carrier to engage in interstate commerce;

99           (22) "Person", any individual or other legal entity, whether such entity is  
100 a proprietorship, partnership, corporation, company, association or joint-stock  
101 association, including the partners, officers, employees, and agents of the person,  
102 as well as any trustees, assignees, receivers, or personal representatives of the  
103 person;

(23) "Private carrier", any person engaged in the transportation of property or passengers by motor vehicle upon public highways, but not as a common or contract carrier by motor vehicle; and includes any person who transports property by motor vehicle where such transportation is incidental to or in furtherance of his commercial enterprises;

(24) "Public highway", every public street, road, highway or thoroughfare  
of any kind used by the public, whether actually dedicated to the public;

(25) "Regular route", a specific and determined course to be traveled by a motor carrier's vehicle rendering service to, from or between various points or localities in this state;

(26) "School bus", any motor vehicle while being used solely to transport students to or from school or to transport students to or from any place for educational purposes or school purposes;

117 (27) "Taxicab", any motor vehicle performing a bona fide for-hire taxicab  
118 service having a capacity of not more than five passengers, exclusive of the driver,  
119 and not operated on a regular route or between fixed termini;

(28) "Truckload lot", a lot or lots of freight tendered to a carrier by one consignor or one consignee for delivery at the direction of the consignor or consignee with the lot or lots being the only lot or lots transported on the motor vehicle at any one time.

544.046. The Nonresident Violator Compact, hereinafter called "the  
compact," is hereby enacted into law and entered into with all other jurisdictions  
legally joining therein in the form substantially as follows:

4 Article I

5 (a) The party jurisdictions find that:

(1) In most instances, a motorist who is cited for a traffic violation in a jurisdiction other than his home jurisdiction:

8           (i) Must post collateral or bond to secure appearance for trial at a later  
9   date; or

10 (ii) If unable to post collateral or bond, is taken into custody until the  
11 collateral or bond is posted; or

12 (iii) Is taken directly to court for his trial to be held.

13 (2) In some instances, the motorist's driver's license may be deposited as  
14 collateral to be returned after he has complied with the terms of the citation.

15 (3) The purpose of the practices described in paragraphs (1) and (2) above  
16 is to ensure compliance with the terms of a traffic citation by the motorist who,  
17 if permitted to continue on his way after receiving the traffic citation, could  
18 return to his home jurisdiction and disregard his duty under the terms of the  
19 traffic citation.

20 (4) A motorist receiving a traffic citation in his home jurisdiction is  
21 permitted, except for certain violations, to accept the citation from the officer at  
22 the scene of the violation and to immediately continue on his way after promising  
23 or being instructed to comply with the terms of the citation.

24 (5) The practice described in paragraph (1) above causes unnecessary  
25 inconvenience and, at times, a hardship for the motorist who is unable at the time  
26 to post collateral, furnish a bond, stand trial, or pay the fine, and thus is  
27 compelled to remain in custody until some arrangement can be made.

28 (6) The deposit of a driver's license as a bail bond, as described in  
29 paragraph (2) above, is viewed with disfavor.

30 (7) The practices described herein consume an undue amount of law  
31 enforcement time.

32 (b) It is the policy of the party jurisdictions to:

33 (1) Seek compliance with the laws, ordinances, and administrative rules  
34 and regulations relating to the operation of motor vehicles in each of the  
35 jurisdictions.

36 (2) Allow motorists to accept a traffic citation for certain violations and  
37 proceed on their way without delay whether or not the motorist is a resident of  
38 the jurisdiction in which the citation was issued.

39 (3) Extend cooperation to its fullest extent among the jurisdictions for  
40 obtaining compliance with the terms of a traffic citation issued in one jurisdiction  
41 to a resident of another jurisdiction.

42 (4) Maximize effective utilization of law enforcement personnel and assist  
43 court systems in the efficient disposition of traffic violations.

44 (c) The purpose of this compact is to:

45 (1) Provide a means through which the party jurisdictions may participate  
46 in a reciprocal program to effectuate the policies enumerated in paragraph (b)  
47 above in a uniform and orderly manner.



48 (2) Provide for the fair and impartial treatment of traffic violators  
49 operating within party jurisdictions in recognition of the motorist's right of due  
50 process and the sovereign status of a party jurisdiction.

51 Article II

52 (a) In the Nonresident Violator Compact, the following words have the  
53 meaning indicated, unless the context requires otherwise.

54 (b)(1) "Citation" means any summons, ticket, or other official document  
55 issued by a police officer for a traffic violation containing an order which requires  
56 the motorist to respond.

57 (2) "Collateral" means any cash or other security deposited to secure an  
58 appearance for trial, following the issuance by a police officer of a citation for a  
59 traffic violation.

60 (3) "Court" means a court of law or traffic tribunal.

61 (4) "Driver's license" means any license or privilege to operate a motor  
62 vehicle issued under the laws of the home jurisdiction.

63 (5) "Home jurisdiction" means the jurisdiction that issued the driver's  
64 license of the traffic violator.

65 (6) "Issuing jurisdiction" means the jurisdiction in which the traffic  
66 citation was issued to the motorist.

67 (7) "Jurisdiction" means a state, territory, or possession of the United  
68 States, the District of Columbia, or the Commonwealth of Puerto Rico.

69 (8) "Motorist" means a driver of a motor vehicle operating in a party  
70 jurisdiction other than the home jurisdiction.

71 (9) "Personal recognizance" means an agreement by a motorist made at  
72 the time of issuance of the traffic citation that he will comply with the terms of  
73 that traffic citation.

74 (10) "Police officer" means any individual authorized by the party  
75 jurisdiction to issue a citation for a traffic violation.

76 (11) "Terms of the citation" means those options expressly stated upon the  
77 citation.

78 Article III

79 (a) When issuing a citation for a traffic violation, a police officer shall  
80 issue the citation to a motorist who possesses a driver's license issued by a party  
81 jurisdiction and shall not, subject to the exceptions noted in paragraph (b) of this  
82 article, require the motorist to post collateral to secure appearance, if the officer  
83 receives the motorist's signed, personal recognizance that he or she will comply

84 with the terms of the citation.

85 (b) Personal recognizance is acceptable only if not prohibited by law. If  
86 mandatory appearance is required, it must take place immediately following  
87 issuance of the citation.

88 (c) Upon failure of a motorist to comply with the terms of a traffic citation,  
89 the appropriate official shall report the failure to comply to the licensing  
90 authority of the jurisdiction in which the traffic citation was issued. The report  
91 shall be made in accordance with procedures specified by the issuing jurisdiction  
92 and shall contain information as specified in the Compact Manual as minimum  
93 requirements for effective processing by the home jurisdiction.

94 (d) Upon receipt of the report, the licensing authority of the issuing  
95 jurisdiction shall transmit to the licensing authority in the home jurisdiction of  
96 the motorist the information in a form and content as contained in the Compact  
97 Manual.

98 (e) The licensing authority of the issuing jurisdiction may not suspend the  
99 privilege of a motorist for whom a report has been transmitted.

100 (f) The licensing authority of the issuing jurisdiction shall not transmit  
101 a report on any violation if the date of transmission is more than six months after  
102 the date on which the traffic citation was issued **unless the motorist was**  
103 **operating a Commercial Motor Vehicle (CMV) or was a Commercial**  
104 **Driver License (CDL) holder at the time of the offense.**

105 (g) The licensing authority of the issuing jurisdiction shall not transmit  
106 a report on any violation where the date of issuance of the citation predates the  
107 most recent of the effective dates of entry for the two jurisdictions affected.

#### 108 Article IV

109 (a) Upon receipt of a report of a failure to comply from the licensing  
110 authority of the issuing jurisdiction, the licensing authority of the home  
111 jurisdiction shall notify the motorist and initiate a suspension action, in  
112 accordance with the home jurisdiction's procedures, to suspend the motorist's  
113 driver's license until satisfactory evidence of compliance with the terms of the  
114 traffic citation has been furnished to the home jurisdiction licensing  
115 authority. Due process safeguards will be accorded.

116 (b) The licensing authority of the home jurisdiction shall maintain a  
117 record of actions taken and make reports to issuing jurisdictions as provided in  
118 the Compact Manual.

#### 119 Article V

120 Except as expressly required by provisions of this compact, nothing  
121 contained herein shall be construed to affect the right of any party jurisdiction  
122 to apply any of its other laws relating to licenses to drive to any person or  
123 circumstance, or to invalidate or prevent any driver license agreement or other  
124 cooperative arrangement between a party jurisdiction and a nonparty jurisdiction.

125 Article VI

126 (a) For the purpose of administering the provisions of this compact and  
127 to serve as a governing body for the resolution of all matters relating to the  
128 operation of this compact, a Board of Compact Administrators is established. The  
129 board shall be composed of one representative from each party jurisdiction to be  
130 known as the compact administrator. The compact administrator shall be  
131 appointed by the jurisdiction executive and will serve and be subject to removal  
132 in accordance with the laws of the jurisdiction he represents. A compact  
133 administrator may provide for the discharge of his duties and the performance of  
134 his functions as a board member by an alternate. An alternate may not be  
135 entitled to serve unless written notification of his identity has been given to the  
136 board.

137 (b) Each member of the Board of Compact Administrators shall be entitled  
138 to one vote. No action of the board shall be binding unless taken at a meeting at  
139 which a majority of the total number of votes on the board are cast in  
140 favor. Action by the board shall be only at a meeting at which a majority of the  
141 party jurisdictions are represented.

142 (c) The board shall elect annually, from its membership, a chairman and  
143 a vice chairman.

144 (d) The board shall adopt bylaws, not inconsistent with the provisions of  
145 this compact or the laws of a party jurisdiction, for the conduct of its business  
146 and shall have the power to amend and rescind its bylaws.

147 (e) The board may accept for any of its purposes and functions under this  
148 compact any and all donations, and grants of money, equipment, supplies,  
149 materials, and services, conditional or otherwise, from any jurisdiction, the  
150 United States, or any other governmental agency, and may receive, utilize, and  
151 dispose of the same.

152 (f) The board may contract with, or accept services or personnel from, any  
153 governmental or intergovernmental agency, person, firm, or corporation, or any  
154 private nonprofit organization or institution.

155 (g) The board shall formulate all necessary procedures and develop

156 uniform forms and documents for administering the provisions of this compact.  
157 All procedures and forms adopted pursuant to board action shall be contained in  
158 the Compact Manual.

159 Article VII

160 (a) This compact shall become effective when it has been adopted by at  
161 least two jurisdictions.

162 (b)(1) Entry into the compact shall be made by a Resolution of Ratification  
163 executed by the authorized officials of the applying jurisdiction and submitted to  
164 the chairman of the board.

165 (2) The resolution shall be in a form and content as provided in the  
166 Compact Manual and shall include statements that in substance are as follows:

167 (i) A citation of the authority by which the jurisdiction is empowered to  
168 become a party to this compact.

169 (ii) Agreement to comply with the terms and provisions of the compact.

170 (iii) That compact entry is with all jurisdictions then party to the compact  
171 and with any jurisdiction that legally becomes a party to the compact.

172 (3) The effective date of entry shall be specified by the applying  
173 jurisdiction, but it shall not be less than 60 days after notice has been given by  
174 the chairman of the Board of Compact Administrators or by the secretariat of the  
175 board to each party jurisdiction that the resolution from the applying jurisdiction  
176 has been received.

177 (c) A party jurisdiction may withdraw from this compact by official written  
178 notice to the other party jurisdictions, but a withdrawal shall not take effect until  
179 90 days after notice of withdrawal is given. The notice shall be directed to the  
180 compact administrator of each member jurisdiction. No withdrawal shall affect  
181 the validity of this compact as to the remaining party jurisdictions.

182 Article VIII

183 The provisions of this compact shall not apply to parking or standing  
184 violations, highway weight limit violations, and violations of law governing the  
185 transportation of hazardous materials.

186 Article IX

187 (a) This compact may be amended from time to time. Amendments shall  
188 be presented in resolution form to the chairman of the Board of Compact  
189 Administrators and may be initiated by one or more party jurisdictions.

190 (b) Adoption of an amendment shall require endorsement of all party  
191 jurisdictions and shall become effective 30 days after the date of the last

192 endorsement.

193 (c) Failure of a party jurisdiction to respond to the compact chairman  
194 within 120 days after receipt of the proposed amendment shall constitute  
195 endorsement.

196 Article X

197 This compact shall be liberally construed so as to effectuate the purposes  
198 stated herein. The provisions of this compact shall be severable and if any  
199 phrase, clause, sentence, or provision of this compact is declared to be contrary  
200 to the constitution of any party jurisdiction or of the United States or the  
201 applicability thereof to any government, agency, person, or circumstance, the  
202 compact shall not be affected thereby. If this compact shall be held contrary to  
203 the constitution of any jurisdiction party thereto, the compact shall remain in full  
204 force and effect as to the remaining jurisdictions and in full force and effect as to  
205 the jurisdiction affected as to all severable matters.

206 Article XI

207 This compact shall be known as the Nonresident Violator Compact.

643.320. 1. The commission shall prescribe the standards and equipment  
2 necessary for an official emissions inspection station and the qualifications for  
3 persons who conduct the inspections, and no applicant for certificate of  
4 authorization to conduct emissions inspections may be approved to operate an  
5 official emissions inspection station until the applicant meets the standards and  
6 has the required equipment and qualified inspectors as prescribed by the  
7 commission. **An official emissions inspection station shall maintain**  
8 **liability insurance at all times to cover possible damage to vehicles**  
9 **during the inspection process as a condition of operating an official**  
10 **emissions inspection station.** The commission shall establish standards and  
11 procedures to be followed in the making of inspections required by sections  
12 643.300 to 643.355 and shall prescribe rules for the operation of emissions  
13 inspection stations.

14 2. The application for a certificate of authorization to operate as an official  
15 emissions inspection station shall be made to the commission on a form furnished  
16 by the commission. The application shall be accompanied by a fee established by  
17 the commission by rule, but in no case shall the fee exceed one hundred  
18 dollars. The certificate of authorization shall be renewed annually on the date  
19 of issue. All fees shall be payable to the director of revenue and shall be  
20 deposited by the director of revenue in the state treasury to the credit of the

21 Missouri air emission reduction fund established under section 643.350.

22           3. The commission or its designee shall cause unannounced inspections  
23 to be made of the operation of each emissions inspection station at least once  
24 during each calendar year. The inspection may include submitting a known high  
25 emission vehicle for inspection without prior disclosure to the inspection station.  
26 At any time the commission or its designee shall have reason to believe that any  
27 person has violated any provisions of the provisions of sections 643.300 to 643.355  
28 or the rules promulgated thereunder, the commission or its designee shall refuse  
29 to issue or shall revoke or suspend any certificate of authority under this  
30 section. The suspension or revocation of a certificate of authority shall be in  
31 writing to the operator, inspector, or the person in charge of the emissions  
32 inspection station. Before suspending or revoking the certificate of authority to  
33 conduct emissions inspections, the commission or its designee shall serve notice  
34 in writing by certified mail or by personal service to the inspection station at the  
35 operator's address of record giving the permittee the opportunity to appear in the  
36 office of the commission on a stated date, not less than ten nor more than thirty  
37 days after the mailing or service of the notice, for a hearing to show cause why  
38 the inspection station's certificate of authority should not be suspended or  
39 revoked. An inspection station owner or an inspector may appear in person or by  
40 counsel in the office of the commission or its designee to show cause why the  
41 proposed suspension or revocation is in error, or to present any other facts or  
42 testimony that would bear on the final decision of the commission or its designee.  
43 If the operator, owner, or inspector does not appear on the stated day after  
44 receipt of notice, it shall be presumed that such party admits the allegations of  
45 fact contained in the hearing notification letter. The decision of the commission  
46 or its designee may in such case be based upon the written reports submitted by  
47 the commission's officers. The order of the commission, specifying his findings  
48 of fact and conclusions of law, shall be considered final immediately after receipt  
49 of notice thereof by the inspection station.

50           4. The department may require emissions inspection stations to furnish  
51 reports, upon forms furnished by the department for that purpose, that the  
52 department considers necessary for the administration of sections 643.300 to  
53 643.355.

54           5. The commission may impose alternative administrative enforcement  
55 mechanisms in lieu of suspending or revoking a certificate of authority. Such  
56 alternative administrative enforcement mechanisms may include, but not be

57 limited to, requiring inspectors to successfully complete a commission-approved  
58 retraining program. The commission also may require any individual who has his  
59 or her certificate of authority suspended to undergo remedial retraining as a  
60 condition of removing such suspension.

61         6. The commission shall design and furnish each official emissions  
62 inspection station, at no cost, one official sign made of metal or other durable  
63 material to be displayed in a conspicuous location to designate the station as an  
64 official emissions inspection station. Additional signs may be obtained by an  
65 official inspection station for a fee equal to the cost to the state. Each official  
66 emissions inspection station shall also be supplied with one or more posters  
67 which must be displayed in a conspicuous location at the place of inspection and  
68 which informs the public that required repairs or corrections need not be made  
69 at the inspection station.

Section B. Because of the need to ensure that out-of-state residents are  
2 knowledgeable in the safe operation of vessels, the repeal and reenactment of  
3 section 306.127 of this act is deemed necessary for the immediate preservation of  
4 the public health, welfare, peace and safety, and is hereby declared to be an  
5 emergency act within the meaning of the constitution, and the repeal and  
6 reenactment of section 306.127 of this act shall be in full force and effect upon its  
7 passage and approval.

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